California Journal

THE MONTHLY REPORT OF STATE GOVERNMENT AND POLITICS

Welfare Reform Implementation

Tax Negotiations Still Fruitless

New Legislative Retirement Bill

Senate Leadership in Transition

Redistricting Down to the Wire

Hügo

October 1971 in Review

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Editor's Note

Events were moving very quickly in the areas of reapportionment and tax policy as this issue went to bed. Obviously it is not our practice to try to keep pace with the daily press like this, nor should it be. In this case we are more interested in the process by which these difficult decisions are made than with the specific details of the outcome, which we will, of course, cover at a later time. It is interesting to note that most of the important developments in both cases have taken place behind closed doors, a procedure which in these cases may be justified since public statements, when made at all, seemed to be made more for bargaining effect and public posture than for accuracy. At this point we hope that the coverage will provide a context within which our readers will be better able to understand the reapportionment and tax decisions when they are finally worked out.

* * *

A proposed increase in the second class postage rates has caused enormous consternation among magazine publishers. It was claimed to be a factor in *Look's* recent demise. Needless to say, we were concerned about the impact on our publication, so we checked it out. Second class rates are unbelievably complex, but the one thing simple about them is that they are cheap. We were astounded to find out that we are able to mail the *Journal* for approximately $.01 each. And second class service is not appreciably worse than first class service. For a publication like ours $.01 more or less in production cost is insignificant, and it may be much more important to a mass-circulation magazine. But in the welter of rhetoric over the increase and its possible adverse affect upon free speech and the like, the ridiculously low price magazines presently pay was obscured.

* * *

California Journal has new offices at 1617 10th Street, Sacramento 95814. Though we are now two blocks from the Capitol instead of one, the office gives us the space we have needed and, of course, the California Journal Building will soon join Sutter's Fort and the Capitol Building among the city's landmarks.

* * *

Though she affirms there is no relationship to the hectic move, Shirley Biondi, Assistant to the Editor since the early days of the *Journal*, is leaving us to pursue a writing career. She will continue to work for us on a part-time basis writing articles from time to time and continuing to prepare the index.

* * *

With a great many of our readers facing the prospect of involvement in legislative battles right up until Christmas it will come as good news that you can easily take care of those "difficult" people on your list by giving them a subscription to *California Journal*. If you want to know if an individual is already a subscriber, write or call us with the name, address and zip code of the individual and we'll be glad to tell you.

California Journal

1617 10th Street, Sacramento, California 95814
916/444-2840

EDITOR
Thomas R. Hoeber

ASSOCIATE EDITOR
Jerome Evans

CONTRIBUTING EDITORS
Judson Clark, William Geyer

CONTRIBUTORS
Jeffrey Davis, Thomas Jesse Goff Jr., Michael Wenstrom

Washington Correspondent: Lou Cannon
Counsel: Conrad Klein
Assistant to the Editor: Shirley Biondi
Subscription Manager: Gay Clark

California Journal/Quick Query Service
G. L. Sherwood, Director
916/444-0329

Southern California Representative
Robert Ramsay
750 S. Golden West Avenue
Arcadia, California 91006
213/446-8316 (Evenings)

ADVISORY COMMITTEE

Eugene C. Lee Chairman	Director, Institute of Governmental Studies Professor of Political Science Univ. of California, Berkeley
Houston Flournoy	Controller, State of California
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John Whelan	Professor of Law Univ. of California, Davis
Alan J. Wyner	Professor of Political Science Univ. of Calif., Santa Barbara

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October, 1971 Volume II, Number 9

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Senators and Assemblymen Remain Divided on Reapportionment as Time Runs Out

With a seemingly endless technical staff of programmers, political advisors, demographers, cartographers, and clerks and an awesome statewide network of computer facilities to provide nearly instantaneous analysis of the political and demographic implications of any decision, the politically vital process of reapportioning the Legislature finally boiled down to personal head-to-head negotiations between politicians as the last days of the tenth month of the "reapportionment session" ticked away. Highly subjective evaluations of one opponent's nerve compared to another's became as important as the hard data at this point.

Both in the Assembly and Senate, real negotiations between the majority and minority parties took place for the first time in decades with regard to reapportionment, negotiations necessitated by the fact that the Governor is not of the same party as the legislative majority. For awhile the negotiations appeared to make progress, only to fall apart at the last minute.

Before the negotiations broke down, agreement was reached on the Senate side to a plan to create a new Mexican-American seat while maintaining the present 21-19 Democratic margin. And in the Assembly secret negotiations between the majority and minority party leadership have at least clarified the objectives on each side and have given the Democrats time to iron out most of their intraparty disputes. Assembly Democrats have released a reapportionment measure which would add at least two and probably five Democratic seats at the expense of Republicans and lead to the defeat of three additional incumbent Republicans by placing them in districts with other Republicans, although the new districts remain Republican. One Democratic district would also be moved. Congressional reapportionment simmered on a back burner meanwhile, and if anyone cared about reapportionment of the Board of Equalization districts, there was scant evidence of such concern.

Delay after Delay

Very early in this session it became clear that the strategy of the Democratic leadership of both houses was to delay introduction of reapportionment plans as long as possible (see *California Journal*, June-July 1971). More recently, however, that tactic appeared to backfire as one problem after another delayed introduction of the majority party's plans. On the Senate side serious delays in beginning to collect the necessary population data, and then in fitting census data to political data, held up initial introduction of a Democratic plan. Thus, when the new map was finally announced by Senator Mervyn M. Dymally on October 6th, it was still only a tentative plan which underwent considerable revision before it could be put into bill form on October 21st.

In the Assembly there were perhaps fewer technical problems, but intraparty fights delayed public presentation of a Democratic plan until the last days of October. Until then, the Democratic leaders simply could not get enough of their members to go along with the plan, as it was first proposed in caucus, to permit its public release. There were two major problems which were subsequently resolved. Assemblymen John Knox and John Miller, who represent Contra Costa and Alameda Counties were both displeased with the proposed split of Richmond and the extension of Miller's district into Contra Costa County. Assemblymen Willie Brown and Leo McCarthy in San Francisco were battling between themselves, largely over their mutual boundary, which, in the initial proposal, gave McCarthy so much new, albeit Democratic, territory that he would have had to spend most of next year campaigning rather than pursuing possible legislative leadership opportunities.

Republican Proposals

Meanwhile, Republicans in both houses introduced reapportionment plans of their own, designed as bargaining leverage in dealing with the Democrats. And the Republicans have a great deal to bargain with. In the first place, some Democrats in each house are sure to be hurt by reapportionment, no matter who draws the district lines, and therefore may not vote for any plan. Thus, some Republican votes may be required in each house to give the Democrats the majority needed for passage of a reapportionment bill. And even if the Democrats can attract enough votes to get the necessary majority, Governor Reagan can be expected to veto a plan which is strongly opposed by the Republicans, thus raising to two-thirds the vote required in each house (to override the veto). It is extremely unlikely that such a vote can be obtained for a bill which is opposed by Republican leaders.

Assembly Republicans earlier this year adopted a caucus position that no one will vote for a reapportionment plan unless at least two-thirds of the caucus members support the bill. And at least a majority of the caucus is necessary to support a veto override. Thus the majority party this year must negotiate with the minority party if reapportionment is to be done outside of the courts and for this reason they initiated secret negotiations with the Republicans.

Assembly Negotiations

The secret Assembly negotiations between Democrats and Republicans began on Friday, October 15th, and included Assembly Speaker Bob Moretti, Assemblyman Henry A. Waxman, Chairman of the Elections and Reapportionment Committee and Brown for the Democrats and Bob Monagan, Assembly Minority Floor Leader, and Jerry Lewis, vice-chairman of the Elections and Reapportionment Committee for the Republicans. Also present were key staff aides for both sides. The Democrats first offered what they described as a 45-35 plan, but which the Republicans believed to be a 46-34 plan which gave them only a slim chance to get the 35th seat. This first plan would have moved Repub-

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lican Assemblyman Charles Conrad's district from the San Fernando Valley and made it a Democratic district in West Los Angeles. It would also have made the district of Floyd Wakefield of Downey a Democratic district in the San Bernardino-Riverside area, and would possibly have led to the defeat of Republican Frank Belotti in the north coast district as well. Thus, the Republicans certainly would have lost two seats and possibly a third. The Republicans, who were shown only the Republican lines at the first meeting, were invited to redraw the lines of Republican districts, with the exception of the Belotti district, any way they wanted so long as they did not touch the Democratic districts.

When negotiations were resumed the following Thursday, October 21st, the Republicans said they also needed to make some minor changes in Democratic lines in order to solve some of their problems. The Democrats thought the Republicans also indicated that it might be possible to settle on a 44-35-1 plan which would have involved sacrificing one seat in Los Angeles and having an equal chance for the Belotti district. The Democrats agreed to permit changes in Democratic lines if they would not jeopardize an incumbent and gave the Republicans maps of all the lines, promising to provide the corresponding political and census data, also. That data was not provided to the Republicans, however, due to an alleged computer failure.

Negotiations Fail

On Monday, October 25th, while the rest of the Legislature was observing Veteran's Day, the leadership of the two parties in the Assembly met again — first Moretti and Monagan and then the others. At this point the Republicans not only requested some changes in Santa Clara County Democratic districts to solve some of their Central Valley district problems, but also insisted on a plan which would maintain the present 43-37 division of Assembly seats without sacrificing anyone. With that, the negotiations broke down, and the Democrats proceeded to draft a new plan which one Democratic leader conceded was a "knee in the crotch" for the Republicans.

The new Democratic plan was announced on October 28th by Assemblyman Waxman. According to the statistics provided with the plan, the proposed districts vary less than .2 percent from the "ideal," and the total difference between the largest and smallest district is less than 1000 people. If adopted, however, it will certainly result in the election defeat of Assemblymen Conrad and Wakefield and probably Belotti, Kenneth L. Maddy of Fresno, and W. Don MacGilivray of Santa Barbara. The plan could also defeat three other incumbent Republicans, although they would be replaced by Republicans. Wiliam M. Ketchum of Paso Robles would be in the district of Robert G. Wood. John L. E. Collier would be in Frank Lanterman's district. And Peter F. Schabarum's 49th district is moved to Orange County and he is located in a corner of what was Collier's district. Despite his protestations to the contrary, Waxman could not expect to receive the support of a majority of Assembly Republicans or the Governor for this plan.

Reapportionment by Resolution

Thus, the Waxman plan is clearly a scare tactic, but a scare tactic with substance to it. If the Republicans hold firm in their opposition, the Democrats can, presumably, pass the bill on their own, send it to the Governor, and when it is vetoed by Reagan, as it certainly will be, pass the bill again as a concurrent resolution. A concurrent resolution, passed by both houses of the Legislature, does not require the Governor's signature. It is normally the vehicle for approving city and county charter amendments, adjourning the Legislature, creating and funding joint committees, and for joint memorial resolutions. Whether it would be constitutional or not to reapportion the Legislature by this means is subject to some debate. Legislative Counsel George Murphy, the Legislature's lawyer, has written an opinion which argues that such a procedure would not be constitutional. On the other hand, Assemblyman Waxman contends that it might succeed. "Many legal experts," says Waxman, "believe that Constitutional provision mandating the legislature to 'reapportion itself' means that a gubernatorial veto would not invalidate a reapportionment plan passed by both houses of the Legislature." Presumably, the Republicans will sue to prevent implementation of a Democratic reapportionment by resolution — a suit which would go straight to the California Supreme Court, a court now composed of four Democrats and three Republicans.

Court Deadline

It appears unlikely that the court would sustain a reapportionment by resolution; even people close to the Democratic Assembly leaders concede that at best they have only a slim hope of persuading the court on this point. But the court might very will send the problem back to the Legislature with some sort of deadline imposed for passing a new bill, probably before the end of the year. In remanding reapportionment back to the Legislature, the court might well attach a plan which would become effective if the Legislature failed to act by the deadline. It could be a permanent plan or an interim plan for 1972 only. It could be one of the plans before the court (the Democratic plan, the Republican plan, and plans presented by other groups and individuals would be presented to the court) or an entirely new plan drawn by the court itself. Democrats hope that the court, with many plans before it which meet the one-man, one-vote doctrine, would select the one passed by a a majority of the Legislature.

The success of the Waxman tactic depends on Republican Assemblymen deciding that a known compromise which they might gain now, even if it hurts a little, is better than the uncertainty of the process outlined above, especially with the possibility, however remote, that the strong Democratic version or one similar to it might be adopted by the court. The tactic also depends on at least 41 Democrats holding firm in the face of the session possibly going on into December. Nevertheless, as this issue goes to press, the Republicans are adamantly insisting on maintaining the 43-37 margin, and the Democrats seem to be equally firm in insisting on gaining two seats.

Both sides appeared to be playing "chicken," hurtling down the highway toward each other, each refusing to be the first to swerve aside, each gambling the other side will settle for something less than what they have said was their rock-bottom minimum. A compromise in the near future seems unlikely.

Senate Progress

While this conflict has been unfolding in the Assembly, Democratic and Republican leaders in the

(Continued on page 268)

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Interview: Senator Mervyn M. Dymally Discusses his Role as Democratic Caucus Chairman

California Journal: What is your role, Senator Dymally, as chairman of the Democratic caucus?

Senator Mervyn M. Dymally: One of the responsibilities I have is to make the Democratic caucus relevant, in terms of the new thrust in the Democratic party — I refer specifically to Democratic State Chairman Chuck Manatt's attempt to bring in a number of "left out" groups in the Democratic party — and to make the Senators more responsive to the needs of the young, the needs of the minorities, and finally to make it part of the Democratic party. At the same time, it must maintain its legislative independence, and in some instances its bipartisan approach to the solution of some legislative problems. Additionally, I see as one of my charges to attempt to increase the membership of the caucus during the election years and to assist members with their reelection.

Journal: What was an example this year, Senator, of making the Democratic party more responsive?

Dymally: To me the most pressing responsibility the Democratic party in general, and the Senate in particular, has on its agenda is the creation of a district where the Mexican-American community can have some power. A great deal has been said about specifically gerrymandering a seat for the Mexican-American community. I think it ought to be looked at in another perspective, and that is that what we have attempted to do is maintain the integrity of ethnic communities. In the past, and the Democratic party has been as responsible for this as the Republican party, minority communities have been used as a cushion to beef up weak Democratic legislators who privately confessed that they did not want minorities in their districts, but who wanted just enough to reassure their election in the general election. So what we have said, in effect, this time is that these communities are going to be looked at in the same way we look at cities, in the same way we look at counties. There are those who come to you and say "Don't cut my city up," or "Don't cut my county up," but it's all right to cut up the black community or the Mexican-American community. We look at those communities with the same respect we give to a city or a county.

Journal: Does your role as caucus chairman and a Democratic party leader conflict at times with your role as a black leader in the Senate and in the state?

Dymally: Yes, sometimes the roles conflict. For example, the National Black Caucus for the Development of a Strategy for 1972 has taken a position that blacks are to develop a strategy first before they commit to a presidential candidate. We have had three meetings in Chicago, one Southern Political Caucus in Mobile, Alabama, and last week we had a Western Conference which was attended by the black representatives of 11 western states, including Alaska and Hawaii. In November the national caucus will again meet in Washington. At that time the California caucus will tell the national caucus that because of the unique nature of the California primary blacks ought to be released here to go with whomever they support, because if we put all our eggs in one basket, all the black votes in one basket, and we lose, then we have nothing at the convention.

Journal: Do you expect opposition to that proposal?

Dymally: No, because California is so unique and because there is unanimous support for that position. I haven't found any disagreement with that position, so it will be my recommendation in November to the national caucus in Washington. In December we will come back here, and I will report to the California caucus, and then we will make a decision which will be made public. My guess is that everybody will go his own way.

Here is a place where the party leaders are saying to me, "We think you ought to identify with a particular candidate," and the black community is saying, "We think you ought to wait a little bit." What I've done is just walk between the raindrops on this one with the hope that consultation and time will resolve that conflict.

There are other conflicts that sometimes arise, and the way I approach it is to remember that my first and most important base is Watts. I do not get elected in the Senate, I get elected back home. I tend to meet that need first, because if I don't get elected first in Watts, I cannot be elected to anything in the Senate. If I lose my caucus job in the Senate, then I will continue to survive, but if I lose my job in Watts, there will be no Senate seat for me.

Journal: You also founded and have been instrumental in the National Conference of Black Elected Officials.

Dymally: Yes, this is a loose group of elected officials across the country. In the last couple of years we have not met as a national body, but the group has been broken up into various constituencies. The local elected officials thought they had problems that were unique to specific communities, and the legislators found that they had problems that were unique to the legislatures in the 50 states, and the school board members felt the same way, so the organization was broken up into various constituencies. Coordinating a great deal of this activity now is the Joint Center for Political Studies which is funded by the Ford Foundation and which I had a little to do with in organizing. The joint center

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is a research and information institution sponsored by Howard University and Dr. Kenneth Clark's Applied Research Center in New York. They do all the research and communication.

We have found there are several disadvantages to the national meetings. They are costly, and they are not very productive. They really become social gatherings to renew old acquaintances, so we have been doing some regional things instead.

Journal: Is the conference or the Black Caucus likely to have an important impact on state government?

Dymally: We are just in the stage of developing that, but I think we have specific states where there has been a great impact. In Illinois, for instance, the caucus strategy resulted in the election of a black President pro Tem because the caucus became the swing vote in reorganizing the Senate.

I think one needs to consider a new political development which is taking place in the black community across the country. Politics has now become the cutting edge of the civil rights movement. In the black community, which has had a nonpolitical approach historically, we have never had a national black political group giving political direction for the solution of political problems. The black community's approach has been through the courts and through the conscience of liberal whites in this country. That was the strategy of the sixties and before that. In the seventies we have developed a new political strategy. We have seen a change of attitude, a change of approach in the black community. We are indeed talking about a very tough political approach in the seventies.

Hügo

Journal: What are the prospects in California for the development of a statewide black caucus?

Dymally: Very good. In the first week in December we intend to put such a group together. Oakland now has such a group. Los Angeles has always been backward. I suspect the number of candidates there makes it difficult to develop a unified caucus — but I think we are moving towards that level of sophistication. It will include politicians and community leaders. What is being developed on a national level, at least what was discussed at the last Chicago meeting, was a coalition between the nationalists, the militants, and the moderates, the integrationists, and the elected officials.

Journal: What is the role of the Black Caucus which was set up in the Legislature this year?

Dymally: We are now an information sharing group more than anything else. We have not developed a recipe for legislative strategy, but we have elected John Miller as chairman — this was done in the middle of the session — and I think John is going to begin to give some direction to that. But the very fact that we meet and communicate with each other has resulted in the passage of legislation, or developed strength for legislation, that normally might have fallen by the wayside.

Journal: What, for example?

Dymally: I have a bill which would create a commission for the study of medical schools. Specifically, we are concerned about the development of a unique institution called the Charles R. Drew Post Graduate Medical School which is now housed at the King County Hospital in Los Angeles. It is staffed by faculty from USC and UCLA. It has drawn the attention of Dr. Egeberg who came out here to testify for the bill because it's unique in the country. The county has made available to the state a $60 million teaching institution, and the Charles Drew people have gone across the country to recruit the best specialists they could find, both black and white. Now they have begun to ask what is the future of this school without state involvement.

My bill appeared to conflict with a study on medical manpower by Assemblyman Duffy's Select Committee on Health Manpower and another study which Assemblyman Willie Brown was concerned about. But as a result of working with Assemblyman Duffy and Brown, and Willie having an understanding of the unique nature of this institution, we were able to resolve that conflict. The bill is now on the Assembly floor.

Journal: Is the caucus structure temporary, or is it becoming basic to the Senate?

Dymally: We hope it will be basic to the Senate. I hope that if we get out of here early enough this session that I can begin working with the Republican caucus to see if we can get the caucus structure written into the rules of the Senate.

Journal: But in the past the Senate has operated like a club with much less of a partisan pattern in voting and in other things. Do you think that will continue?

Dymally: Yes, for quite some time. There are strong personal friendships that develop on both sides of the aisle and the Senate is a more protective body for its members, it seems to me. I think we ought to make the distinction between the Senate caucus and the Assembly caucus — that we are not partisan in legislation, but only when it comes to a question of outside activites. You find a great deal of bipartisan legislation here. In contrast, I recall in the Assembly we used to be locked in very, very tightly and on very, very small issues. Now, of course, reapportionment is an exception to the rule; however, we Democrats believe that we have developed a bipartisan plan which has protected every incumbent.

Journal: You were the first black Senator, and you remain so far the only black Senator. What is your own personal relationship with your colleagues now?

Dymally: I think it has come from nonacceptance in '67 to almost complete acceptance in '71. I think the caucus has been responsible for much of that, because I have attempted to respond to the needs and requests of each one of the individual Senators. We've had a staff which has been very sensitive to the needs of individuals, whether they come from conservative or liberal districts, and I have taken an active interest in fund-raising and assisted in the reelection of members, whether I agreed with their voting or not. My responsibility has been to see that we reelect these men.

I suspect that like anything else when you work with a person enough you begin to destroy myths and stereotypes that surround that individual, or that ethnic group. That has been the case with a number of individuals who had questions about me and my role here, but who now accept me, even on a social basis. I don't

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feel the type of individual discrimination which I felt in '67.

However, I am not here to make defense of the legislative process or to say that racism doesn't exist. I think if ever it existed, it is now. Reapportionment brings out the worst in a man; all of his fears and anxieties and racism come out during reapportionment.

Journal: Apparently you have not sought through reapportionment to make yourself a candidate for Congress. Why is that?

Dymally: Very frankly, for the last 10 years the only thing I ever thought about was going to Congress, and everything I have done was geared towards that objective. My fighting to be on the reapportionment commitee, and my acceptance of the chairmanship — it was in part a selfish acceptance and in part I felt that I understood what was happening in the Democratic party and my chairmanship might give me some leverage with the Mexican-American district. But as I began to examine the acceptance that I was gaining in the Senate and looked at the whole question of having to pioneer in the Congress, I began reexamining my position.

One fact that has influenced my decision is the fact that the blacks in Congress have developed a very strong, united caucus. When I first wanted to go to Congress, every congressman was doing his own thing. It seemed to me that there was a need for numbers and for blacks who had a very political outlook regarding legislation and politics. But as I began to move around here I saw some other options opening up for me in the Senate, and I reexamined what I could do here with 10 years of seniority, and what I could do there. I changed my mind.

I like California, and I like the Senate. You begin to like the Senate, it is really a club. I am getting my legislation, for example the Drew School bill, which I think eventually is going to be a medical school and will be kind of unique, and I would like to stick around and see that finished. So I have changed my whole outlook. I think there will be a number of options open for me in 1974, but if none of these open up, then the Senate continues to be a power base where I can continue to get some legislation through.

One of the problems that a black legislator faces is the fact that legislation lacks visibility in the minority communities. When you pass a major piece of legislation — a teacher credential act or an anti-pollution act — nobody sees the result in visible terms in the black community, so they begin to ask questions about your relevance in the system. It becomes more important for you to attend a PTA meeting on Tuesday night in your district than to stay up here in committee and vote against a bad bill or vote for a good bill, because they never see the result of it. We are just beginning to change that now. So for these reasons I decided to stay.

Journal: Do you think that California is ready to elect a black governor or lieutenant governor?

Dymally: A black governor is a possibility in the distant future. A lieutenant governor is a possibility in the immediate future. That will depend on a number of circumstances. I think the aspirant for lieutenant governor will have to be one who is fully integrated into the life of the Democratic party and the legislative process. A candidate for governor will also have to meet the conditions of being active in the party and in the Legislature.

REAPPORTIONMENT *(Continued from page 265)*

Senate have managed to reach substantial agreement on maintaining the existing 21-19 ratio between the two parties. This has required several significant revisions of the plan which was initially proposed on October 6th, however.

As first presented by Senator Dymally, the Democratic plan would have added one Democratic seat at the expense of the Republicans. It would do this by adding a new district in Los Angeles with a Mexican-American majority and eliminating a Republican district in northern California, placing incumbent Shasta County Republican Fred Marler, Jr., the Minority Floor Leader, and freshman Senator Peter Behr of Marin County in the same district.

A week later, on October 12th, Republican members of the Senate Elections and Reapportionment Committee announced an alternative plan. Their proposal was to sacrifice Republican Senator Milton Marks of San Francisco instead of Marler and to retain the Senate two party ratio at 21-19. To accomplish this, the plan proposed a new Republican district in Orange County to offset the northern California district loss, and it would have made the 27th District in Los Angeles, held by David A. Roberti, into a 60 percent Mexican-American district in lieu of creating a new district for Chicanos.

Two days later the Democrats countered with a proposal to put Behr and Marler into one district which Marler could win, but to retain the new Mexican-American Senate district in Los Angeles. They also proposed to move Democratic Senator Larry E. Walsh's 30th District from eastern Los Angeles County to Orange County, thus making it a probable Republican district, off-setting the lost Republican district in the North and preserving the 21-19 ratio, as sought by the Republicans.

Final Compromise

The final phase of the negotiations began Tuesday, October 26th, when the Republican caucus met and refused to approve this compromise. Dymally and Majority Floor Leader George Moscone immediately entered negotiations with Marler and Senator John Harmer, who is Republican Caucus Chairman and vice-chairman of the Elections and Reapportionment Committee. By this time Republicans had decided that the solution to the problem in northern California, which Marler described as one of "nine men on an eight-man raft," was to put Marks and Behr in a "50-50" district in which each had an equal chance in the Republican primary. This, said Harmer, was the only way to eliminate one senator "without having the blood of a brother on our hands." Dymally and Moscone agreed and took the plan back to the Democrats for a final check. The Republicans did likewise. Then on Monday night, November 1st, the Republican caucus rejected the compromise and put forward, instead, a new proposal which Dymally said would require a new round of negotiations. He then proceeded to attempt to push through the earlier compromise proposal with or without Republican support.

The situation was now similar in both houses except that in the Senate it was the compromise plan that the Democrats were trying to force through while on the Assembly side it was the strong Democratic plan which was being pushed.

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Tax Stalemate Continues Through October as Administration-Legislative Negotiations Prove Fruitless

When legislators returned to Sacramento in September following a three-week August recess, there was considerable hope that the tough issue of taxation could be resolved in the same sort of concentrated bargaining sessions between legislators and the Governor and his staff as had produced compromises on welfare and Medi-Cal just before the recess. Fed by periodic reports that the two sides were nearing agreement on the major issues, that hope remained alive through September and into October. But by the end of October it was evident that the stalemate was one which will last right up to the final days of the 1971 session, if, indeed, it can be broken at all.

There is no question that in the absence of some action the state faces a $336 million deficit in 1971-72, and that the problems of public school finance, park acquisition and the completion of planned and partially completed higher education facilities will grow worse. Moreover, say the Governor and legislative leaders, failure to provide substantial property tax relief this year will encourage voters to support efforts to place a "tax relief" initiative on the ballot in June 1972. Most prominant among the proposed initiatives is that authored by Los Angeles County Assessor Philip E. Watson, which would establish a property tax ceiling of $7 per $100 of assessed valuation on all business and residential property, while raising other taxes to make up part of the estimated $2.2 billion revenue loss. Despite criticism from state officials, the proposal is said to have support from oil companies, the real estate industry and some insurance firms and banks.

School Needs

Complicating the problem is the State Supreme Court's decision in *Serrano v. Priest* (see *California Journal*, September 1971, p. 237) which declared the present school finance system unconstitutional. Sooner or later, it appears, the state will have to abandon the local property tax as a major source of school funding and shift either to a state property tax, heavier reliance on other tax sources or some combination of the two. As Assemblyman William T. Bagley has pointed out, it does not seem prudent for the state to adopt a large-scale local property tax measure at this time, tying up alternative sources of revenue, before it has dealt with the school finance problem.

Nevertheless, both sides continued through October saying that major "tax relief" this year is essential. When negotiations began in mid-September, the Governor was backing an $800 million tax shift while Assembly Democrats supported a $1.5 billion program. Both sides sought to increase business inventory exemptions and special tax relief for the aged, the principal differences being in the amount of tax relief to be granted to homeowners and realtors and the manner in which school districts and cities were to be restrained from promptly raising their taxes to cancel the reduction granted by the state.

Both sides also agreed on the need to initiate withholding as a source of new revenue, and both plans included a one-cent increase in the sales tax to help finance the proposed reduction in property taxes. The Democrats, however, wanted to increase the maximum state income tax from 10 to 15 percent, as compared to the 12 percent figure proposed by the Governor, and also sought a greater cut in capital gains deductions, greater increases in the bank and corporation tax, and a higher maximum tax on otherwise untaxed income than proposed by Governor Reagan. Reagan's plan called for increased taxes on cigarettes and liquor not included in the Democrats' proposal, while the Democrats included an increase in the insurance company gross premiums tax which the Governor did not seek.

Negotiations Begun

Negotiations began on the 16th of September with both sides outlining their positions. Although it was first reported that Senate Democratic leaders were not attending the bargaining sessions, it was shortly revealed that the Democratic side was represented by six Assemblymen, led by Speaker Moretti and Assemblyman Joe A. Gonsalves and six Senators, led by President pro Tem Mills and Majority Leader George R. Moscone. On the other side were the Governor; his executive Secretary, Ed Messe; Verne Orr, the Director of Finance; Assemblyman Bagley, Minority Leader Bob Monagan, Assemblyman Frank Lanterman, and Senator Robert J. Lagomarsino, among others. Participants on both sides agreed not to talk publicly about individual items in any compromise that might be produced, leaving the public and many other legislators with little information as to what was or was not happening.

On September 30th Speaker Moretti broke the silence, saying a "major breakthrough" had been found which might produce an acceptable compromise, but only a day later other participants began to voice doubts as to whether the negotiations would succeeed. The Democrats by this time had decided to oppose any increase in the sales tax; instead they proposed a one percent surtax on all taxable income. This was the po-

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Welfare Reform Act Comes Under Heavy Attack in State and Federal Courts

The Welfare Reform Act of 1971, which was born out of intense and often bitter negotiations between the executive and legislative branches, has proven to be no less troublesome in its implementation. Two months after the measure obtained a two-thirds vote in the Senate and Assembly and was signed into law by the Governor (see *California Journal*, July-August 1971, p. 193), state officials, county administrators, legislators, the courts, and welfare rights organizations are caught up in a growing controversy as to the intention of the law, the legality of several of its major provisions, and the manner in which it is to be carried out.

The fact that the act, which was signed by the Governor on August 13th, was to become operative on October 1st, inevitably meant that there would be several serious problems in drafting the necessary rules and regulations, particularly for those sections of the bill written in the executive-legislative bargaining sessions. The short time available for drafting regulations was further compressed due to the fact that most of the counties process welfare payments by computer, and it was essential that they know enough about the new regulations to enter new instructions into their computers well before October 1st.

Late in August the Department of Social Welfare sent every county welfare administrator a summary analysis of the new act and established a liaison committee of county officials to assist in working out the details of implementation. On September 2nd the department director telegrammed every county welfare administrator a set of guidelines for carrying out the new provisions, including the wording of a notice to be sent to all beneficiaries in mid-September, informing them their grants might be increased or decreased effective October 1st according to the new law. Later in the month each county was given a new form for issuing such notices and advised to do so no later than October 1st. This notice, required by law, subsequently figured in one of the principal court challenges to the new law.

Counties Ready

At this same time the department drew up and submitted to the U.S. District Court in San Francisco a new set of fair hearing regulations (as required by new federal law and a court order) to be employed by the state and counties in responding to welfare recipients who are to lose aid under the new law. These regulations were approved by the court on September 9th and copies were distributed to the counties the following day. When this had been done and the necessary changes in computer instructions worked out, the counties were ready to begin mailing out benefits under the new schedules so that they would arrive by October 1st. Among the changes going into effect on that date were: removal from the rolls of families with gross income above certain new ceilings; the assumption that one-half of a stepfather's gross earnings are available for family support; a ceiling of $50 on allowable work-related expenses, plus, "reasonable" expenses for child care; a reduction in "special need" allowances; and the deduction of nonexempt income from benefits payable to recipients with outside income.

First Challenge

The first lawsuit challenging these provisions was filed in the Sacramento Superior Court by the Alameda Legal Aid Society on September 22nd. The suit sought to block implementation of the work-related expense allowance on the grounds that it is contrary to federal welfare law, although the new regulation in fact had not been formally filed by the state. Six days later the Third District Court of Appeal stayed the restraining order, giving the state authority to proceed with implementation of this provision.

On September 28th, four days before the provisions of the new act were to go into effect a second temporary restraining order was issued, blocking their immediate implementation. The order, issued by Judge Albert C. Wollenberg of the U.S. District Court, in effect directed those counties which had not fully complied with the new notification of fair hearing regulations to temporarily halt implementation of the new schedules. Those counties affected by the order which were unable to make last minute adjustments in their October 1st welfare checks were instructed to make supplemented payments within a week to restore any cuts in benefits.

Ralph Abascal, an attorney for the San Francisco Neighborhood Legal Assistance Foundation who has since become the coordinator for a whole battery of court challenges, promptly charged that all counties were subject to the temporary restraining order because the notice forms provided by the state did not meet the court's requirements. Although some counties rejected Abascal's advice, others were thrown into a state of confusion regarding the legality of the welfare checks which they were ready to send out in only a few days. This confusion grew when the Superior Court in Ventura County granted a temporary restraining order halting implementation in that county because of the possibility of improper notice. This decision was at first reported to be applicable to the whole state, rather than just Ventura County, and again seemed to threaten all of the changes scheduled to go into effect October 1st. That misconception was cleared away when the court subsequently issued a preliminary injunction (made a final judgment on October 7th) applicable only to reductions in benefits for "special needs" and only in Ventura County.

Meanwhile, the U.S. District Court in San Francisco extended its restraining order requiring that AFDC recipients continue to receive aid under the old welfare laws until they have been given adequate

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notice of prospective changes in their benefits. According to Ronald A. Zumbrun, Deputy Director for Legal Affairs in the Department of Social Welfare, at least 17 counties had complied with the notice form recommended by the state and therefore were in compliance with the court. Abascal, however, continued to challenge the state procedure and succeeded in getting the federal court to issue an order directing Contra Costa County to explain why it should not be held in contempt of court for continuing to grant aid under the new regulations. This was to provide a test case for the notice procedure recommended by the state and followed by Contra Costa.

On October 29th the federal court ruled that the state-recommended mid-September notice to recipients was not acceptable. Zumbrun immediately announced that the state will appeal that decision but said that the consequences would be minor in any case, as most counties had sent out revised notices, not considered by the court, later in that month and in early October.

Supreme Court Order

The first major challenge to the new laws came in the form of a California Supreme Court order on September 29th staying application of Section 28 of the new law — the section which establishes a new schedule of benefits. The expected effect of the new section is to reduce grants to some 150,000 families with outside income and to raise grants to 300,000 families with no outside income. The plaintiffs say the provision violates the federal Social Security Act which governs federal welfare funding. The court agreed to study the issue and ordered that the new standards not go into effect until the issue is resolved.

The immediate result of these actions was that only two provisions of the new act actually went into effect on October 1st: the $50 standard allowance for work-related expense and the inclusion of one-half of a stepfather's income as outside income available for family support. Other provisions were either blocked by the Supreme Court's order or held back by the department. As a consequence, according to the Department of Social Welfare, most of the welfare checks which had been prepared by the counties for mailing at the end of September were in the wrong amounts — roughly one-third were too small (or the recipient had been dropped) while two-thirds were too large.

Many checks had already been mailed before the Supreme Court order was issued, but when the order was received a number of counties held up further mailing. The reason for this was that existing regulations called for paying AFDC grants in two equal installments, making it impossible to adjust the second (mid-October) payment for errors in the first. The department quickly issued an emergency regulation superceding this rule and then urged the remaining counties to mail their checks promptly. The director also directed all county welfare directors ("as a precautionary measure") to renotify, with the second payment, every recipient who stood to lose aid under the new law.

Both sides in the litigation agree that if the state can get court approval of its notice form quickly, the new schedule of benefits reflecting portions of the new law not otherwise blocked by court orders may be allowed to go into effect November 1st. However, according to Ralph Abascal, the state will have to give each recipient a specific reason for any payment reduction rather than a listing of possible reasons such as appeared on the earlier notices. Otherwise, says Abascal, the recipient cannot know what specific action to appeal should she or he choose to do so.

Two More Challenges

In mid-October there were two additional court actions which will delay implementation of at least one other section of the Welfare Reform Act. On October 14th, Judge William Gallagher of the Sacramento Superior Court issued a temporary restraining order directing the state to stop enforcing the new provision requiring the adult children of Old Age Assistance beneficiaries to contribute more toward their parents' support, a provision expected to reduce OAS payments by $20 million per year. The state immediately asked the Third District Court of Appeal to overrule Gallagher's order on the grounds that he made his ruling after the state had entered a motion that he be disqualified from hearing the case. The appellate court on October 29th ruled in the state's favor in this case, staying the superior court order and directing the plaintiffs to show cause as to why the state's appeal should not be granted.

Less than a week later another Sacramento Superior Court Judge, B. Abbott Goldberg, granted an injunction barring the state from enforcing that provision of the new act which automatically assumes that one-half of a stepfather's income is available (as his wife's share of community property) for support of his wife's children. Goldberg agreed with the plaintiffs' attorney that federal welfare regulations prohibit the state from operating on such an assumption.

Attorneys, Court Attacked

Administration officials charge that many of these cases are a result of a concerted effort by legal aid attorneys and welfare rights organization to tie up the state with litigation and others forms of harassment. They point particularly to apparant coordination of legal tactics (which "public interest" attorneys freely acknowledge is being performed by the San Francisco Neighborhood Legal Assistance Foundation) and to the number of suits that have been filed in the Sacramento Superior Court where welfare plaintiffs have had noteable success in the past.

These officials have reserved their strongest criticisms, however, for the courts themselves. At the October meeting of the State Social Welfare Board, Robert E. Mitchell, the board's chairman, and John A. Svahn, deputy director for administration in the Department of Social Welfare, charged that the courts, lacking real knowledge regarding welfare, were issuing temporary restraining orders much too freely. Governor Reagan has himself charged that "hasty and uninformed court decisions" and "bungling interference by the courts have damaged state and county administration of welfare. Nevertheless, welfare officials express confidence that all of the major provisions of the 1971 Welfare Reform Act will be upheld. The press, they say, has overplayed the effect of temporary restraining orders and preliminary injunctions which are granted only to give the courts time to study the issues.

Others are less convinced as to the strength of the state's position. Robert Brown, executive vice-presi-

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Five Major Court Challenges to the 1971 Welfare Reform Act

As of the end of October there were more than a dozen cases before the state and federal courts challenging the provisions of the 1971 Welfare Reform Act, and several additional challenges were being prepared by attorneys for welfare beneficiaries and welfare rights organizations. Among these cases, five substantive cases are of particular importance to the state.

Conover v. Carleson. This is a class action filed September 22nd, 1971, to block establishment of a single standard allowance of $50 for the work-related expenses of welfare recipients who are employed. The suit was filed in the Sacramento Superior Court on behalf of residents of Los Angeles County by the Legal Aid Foundation of Long Beach, the Community Legal Assistance Center (Los Angeles), the Legal Aid Society of Alameda County, and the San Francisco Neighborhood Legal Assistance Foundation. The plaintiffs contend that the new provision violates the federal Social Security Act, which governs federal participation in welfare aid, and discriminates unfairly against working mothers who have legitimate expenses above $50. The Department of Social Welfare denies this and says that the standard deduction is a key element in increasing the efficiency of welfare administration. Use of a standard deduction makes it unnecessary for county administrators to make case by case determinations of financial need. According to department officials, the federal Department of Health, Education and Welfare has approved the provision, which, they say, is used by 13 other states. On October 8th, Judge William Gallagher granted a preliminary injunction stopping implementation of the new provision. The state has appealed his action to the Third District Court of Appeal and has also asked the State Supreme Court to take up the issue.

Camp v. Carleson. On October 6th, 1971, the Legal Aid Society of San Mateo County, the San Francisco Neighborhood Legal Assistance Foundation, and Contra Costa Legal Services filed a class action in the Sacramento Superior Court to halt implementation of that provision of the new welfare act which says that half the earnings of a stepfather of an AFDC family shall be counted as available income for support of the family. According to the plaintiffs, the U.S. Supreme Court in a recent case *(Lewis v. Hall)* held that the state can count as available income only such income as actually is available. In addition, they say, federal welfare law forbids the proposed state practice. State attorneys contend, however, that California's community property law gives a wife an interest in her husband's earnings and that this money should be used for child support. Judge B. Abbott Goldberg agreed with the plaintiffs and ruled that the new provision violated the federal laws. The state will appeal.

Dykstra v. Carleson. On October 5th, California Rural Legal Assistance and a private Sacramento law firm filed a class action in the Sacramento Superior Court to stop the state from increasing the contributions from adult children to parents receiving Old Age Security benefits. Under the new welfare laws, adult children are required to increase their contribution to the support of their parents who receive OAS payments and to make their payments to the county welfare departments rather than to their parents directly. This provision is expected to save the state over $17 million per year. Attorneys for the plaintiffs contend that the increase in contributions works an unwarranted hardship on the adult children who may themselves be financially pressed and discriminates unfairly in that it does not apply to beneficiaries of aid to the blind and the disabled. Judge Gallagher granted a temporary restraining order and scheduled a hearing for a preliminary injunction on October 27th. The state then appealed the court's order both on its merits and on the grounds that the state had asked that Gallagher be disqualified shortly before he issued the restraining order. On October 29th the Third District Court of Appeal stayed Gallagher's restraining order and scheduled a hearing for January 19th, 1972 at which time the plaintiff's may try to show why the state's appeal should be rejected.

Clifton v. Carleson. This is a class action to block implementation of that provision of the new act which makes ineligible for further aid any AFDC recipient whose gross income from other sources exceeds 150 percent of the state's need standard. The lawsuit, which was filed by Legal Aid of Long Beach and San Fernando Valley Neighborhood Legal Services in the Los Angeles County Superior Court, asked for a summary judgment by the court, alleging that the provisions are in conflict with federal welfare laws and regulations. The case has been taken off the court's calendar, however, pending a final decision by the U.S. Supreme Court in a related case *(Ingelman v. Amos)*.

Virginia Villa v. Hall. This case, which is now before the State Supreme Court, is a class action to invalidate that section of the 1971 Reform Act which establishes a maximum grant schedule in place of the former needs standards and maximum state participation schedule. The effect is to reduce benefits to recipients with other income and to increase grants to those without other income. Plaintiffs in the suit are represented by the Long Beach Legal Aid Foundation, San Francisco Neighborhood Legal Assistance Foundation and the Columbia Center on Social Welfare Policy and Law in New York. They argue that the new schedule unfairly penalizes welfare recipients who have been able to find some employment and thus earn additional income. The state contends that recipients with additional income have in the past received more favorable treatment than the "truly needy," those with no other income. Increases in aid to these recipients under the new act are funded from reductions in aid to recipients with outside income. The court is expected to announce its decision shortly after November 1st.

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dent of the California Taxpayers Association, which has recently completed a study of welfare administration, contends that the Department of Social Welfare continues to be a victim of its own poor drafting and bad management of welfare regulations. Legislative staff have been even harsher in their comments, stating that the administration has violated several of its agreements with the Legislature in implementing the new law and has gone out of its way to harass welfare recipients under the new regulations.

Senate Charges

Three principal charges have been made in the Senate regarding the alleged violation of legislative-executive reform agreements. The first is that the Department of Social Welfare, in its rush to implement some features of the new act by October 1st, as required by the law, failed to draft regulations in other areas of particular interest to legislators. These other areas included employment and job training programs; child care for former, current and potential welfare recipients; family planning; fraud control; absent parent support; and limitations on personal property exemptions.

Second, it is charged that in several instances the department has adopted regulations which are clearly contrary to the intent of the new state law. Among these are: the regulation regarding an AFDC mother's interest in her husband's (stepfather's) income, which attempts to capture more of that income than the law allows; a fixed allowance of $25 for work-related expenses of recipients employed 10 days or less per month; a requirement that child care be provided if possible by any "nonworking persons" in the household; stringent limitations as to what will be allowed as "special needs"; failure to provide for an increase in OAS grants at the same time as contributions from adult children are increased; and ambiguity in the wording of a regulation which disqualifies persons whose gross income exceeds 150 percent of their estimated need. It is also charged that the department is considering cutting off welfare aid to expectant mothers, now eligible for assistance from the date of conception. This charge has provoked strong denials from department officials and increased efforts to bar release of regulations which are under study but which have not been approved by the director.

Finally, it is charged that the department has attempted to implement regulations which were specifically rejected by the Legislature in drawing up the 1971 act. Among these are regulations which could require recipients to spend all of their cash reserves before qualifying for special needs allowances; a proposed regulation to consider a portion of the grant to an aged, blind or disabled recipient living with an AFDC family as available to the AFDC family; and a proposed regulation pertaining to "in-kind" income.

Hearings Planned

Senator Anthony C. Beilenson, Chairman of the Senate Committee on Health and Welfare, whose bill became the vehicle for the new act, has met with administration officials in an attempt to resolve these differences. The meetings did not prove succesful from Beilenson's point of view, however, and he now plans to hold public hearings on the matter in November or December. On October 19th, Beilensen introduced Senate Concurrent Resolution 132 which directs the committees of both houses "to investigate the implementation of the . . . welfare measure in order to determine the nature and source of implementation problems" and to report on their findings by January 15, 1972.

Another study of the Welfare Reform Act is being organized by the Assembly Office of Research. In this case a study group made up of the staff of the Assembly and Senate welfare committees, representatives of the Legislative Analyst's Office and the Auditor General's Office, Office of Research staff and others has been formed to evaluate the impact of the changes in the welfare laws for those who have been receiving welfare. A similar study is to be undertaken to assess the impact of changes in the Medi-Cal program.

Medi-Cal Changes

In sharp contrast to turmoil surrounding implementation of the new welfare laws, changes in the Medi-Cal program have been put into effect with no significant opposition. Neither the California Medical Asociation nor California Rural Legal Assistance, which have been active in the past in opposition to Medi-Cal "reforms", have sought to challenge the implementing regulations in the courts. Limitations on doctor visits and drug prescriptions, which, together with "co-payments" required of patients who are to receive such services, are expected to save the state some $120 million, apparently are going into effect uncontested. Necessary federal approval for the co-payment system was received October 1st.

1970 Population Breakdown

The Census Bureau of the U.S. Department of Commerce recently released a state-by-state breakdown of population for 1970, by race and ethnic group. For the nation as a whole, nonwhite population amounted to 11.2 percent of the total, according to the census figures, which include Mexican-Americans with whites. Figures on the Mexican-American population of the nation and the individual states will not be available until special sample data are reported in April 1972. The census figures for California are as follows:

	Number	Percent
White (includes Mexican Americans)	17,761,032	89.0%
Negro	1,400,143	7.0
Indian	91,018	.5
Japanese	213,280	1.1
Chinese	170,131	.8
Filipino	138,859	.7
All Other	178,671	.9
Total	19,953,134	100.0%

The state Office of Population Research has estimated the Spanish surnamed population for 1970 at 2,655,000. If correct, this would amount to 13.3 percent of total state population, and the figure for whites would be reduced to 15,106,000, or 75.7 percent. The Spanish surnamed estimate is based on the assumption that the proportion of persons with a Spanish surname who were of school age remained the same in 1970 as in 1960.

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Serrano Decision Stirs up State Officials, Educators, Economists, Attorneys and Legislators Across the Country

On October 21st the California Supreme Court issued a clarifying statement regarding its earlier decision in the *Serrano v. Priest* case in which it declared the state's school finance system unconstitutional. In response to a petition for clarification filed by Attorney General Evelle J. Younger, the court stated that the present system may continue to be used without violating the *Serrano* decision pending a decision by the trial court (the Los Angeles Superior Court) on the merits of the case. Should the trial court find the present system of school finance unconstitutional according to the facts of the case and the principles laid down in *Serrano,* the Supreme Court said the trial court should then provide for an orderly transition to an acceptable school finance system.

If the trial court does find against the state, Younger has said that he will appeal the decision in the federal courts, although he agrees with the principle embodied in the *Serrano* decision. In an evident effort to get him to reconsider, State Superintendent of Public Instruction Wilson Riles and State Controller Houston I. Flournoy, two of the three principal state defendants in the California suit, announced on October 20th that they will oppose any effort to appeal the case, even to the point of hiring their own attorneys. Both men stated that they strongly support the concept of equality in school finance and fear that any attempt to appeal the *Serrano* decision will only delay necessary legislative action at the expense of those children who are now in school.

Lawyers Conference

The state Supreme Court's decision has attracted attention throughout the country, particularly among lawyers, economists and educators participating in similar and related suits in other states. On October 16th, a Post-Serrano Litigation Conference was held in Washington, D.C. The purpose of the conference was to bring together many of the legal and financial experts who are participating in these suits to discuss the significance of the California decision and to work on the tactics and strategy to be used in other suits, particularly those which may get to the U.S. Supreme Court before the *Serrano* decision. The conference, which was sponsored by the Lawyers' Committee on Civil Rights Under Law and the Ford Foundation, represented a first step toward providing the technical assistance, factual understanding, and legal coordination believed to be necessary to assure the success of other suits like *Serrano.* Two Californians, Dr. Charles Benson, an economist in the School of Education at U.C. Berkeley, and John Coons, Professor of Law at Boalt Hall School of Law, were the main speakers. The greater part of the conference was devoted to "workshops" on school finance, legal tactics and taxation.

Earlier in the month, a single federal judge of the U.S. District Court of Minnesota, Third Division, issued a ruling on a case very similar to *Serrano* in which he not only agreed with the California Supreme Courts' decision but accepted the reasoning of *Serrano* as his own on every major point of law. The issue posed by the plaintiffs, said the federal court, was "whether pupils in publicly financed elementary and secondary schools enjoy a right under the equal protection guarantee of the 14th Amendment to have the level of spending for their education unaffected by variations in the taxable wealth of their school district or their parents." The court concluded that such a right does exist and that the "the principle announced in *Serrano v. Priest* is correct." Describing what it termed the principle of "fiscal neutrality," the court went on to say, "plainly put, the rule is that the level of spending for a child's education may not be a function of wealth other than the wealth of the state as a whole." The court announced that it would retain jurisdiction in the case, deferring further action until the end of the Minnesota legislative session.

Senate Study

In California, legislative reaction to the *Serrano* decision began to take shape in October with agreement by the Senate Rules Committee to the appointment of a new Select Committee on School Finance to study the ways in which the state may respond to *Serrano* in restructuring the state's school finance system. Members of the committee are Democrats Albert S. Rodda (chairman), Randolph Collier, Stephan P. Teale, George R. Moscone, and Walter W. Stiern and Republicans Donald L. Grumsky, Dennis E. Carpenter, John L. Harmer, and George Deukmejian. The committee held its first public hearing on October 20th, with Wilson Riles, Dr. Coons and Dr. Benson among those who testified.

The select committtee plans to hire Benson and several of his colleagues, who have recently completed a major study of public school finance for New York State, to prepare a detailed report as to the alternatives open to California in complying with the rule of "fiscal neutrality". The committee hopes to have the report completed within six months, so that it will be available for consideration at the 1972 sesssion.

Assembly leaders have so far decided against establishing a special committee of this character, leaving responsibility for study and recommendations in the hands of the Education Committee chaired by Assemblyman Leroy F. Greene. Greene has offered to amend his school finance bill of this session, AB 1406, to provide for a statewide property tax and greatly increased state aid from other sources on an equalized basis. It is very unlikely, however, that the 1971 session will produce a significant change in the existing structure, as few legislators feel that there is real need to act before the issue is settled in the trial court and alternative proposals have been carefully examined.

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With the Moment of Decision Drawing Near, Legislators Seek to Keep Their Early Retirement Options Open

A perplexing dilemma facing many legislators has apparently produced a consensus in support of a basic change in the Legislators' Retirement System. Under the proposal, legislators who are eligible under present law for a special early retirement option in 1972, will be allowed to postpone the decision to retire without losing the early retirement bonus. There now are 81 legislators who will have a retirement option in 1972 (see *California Journal*, Jan. 1971, p. 11) that will be forfeited if they do not retire.

The benefits they may receive under this option range from a low of $6,168 to a high of $177,330. By way of example, the latter figure is the total amount of monthly pension benefits for which Assemblyman John Quimby will be eligible, based on his 10 years of legislative service, for the twenty-three years until he reaches age 60. He will then be eligible for pension benefits under the regular retirement provisions. If every legislator who is eligible to take advantage of the early retirement option were to do so, it would cost the state $6.6 million, plus annual cost-of-living increases.

Early Retirement

Normally, a legislator may expect to receive a full pension at age 60 based upon his or her years of service (after a minimum of four years), or, regardless of age, after twenty years of service. If the legislator has served at least fifteen years but less than twenty, he or she may receive full benefits, less two percent for each year of difference between his or her retirement age and age sixty. In every case there is an additional cost-of-living adjustment each year.

In 1966, following the one-man, one-vote Supreme Court ruling and the subsequent court-ordered reapportionment, 20 senatorial districts were moved south, leaving many incumbent Senators in the north with the prospect of running against one another for the remaining seats. To soften the impact of this realignment on those Senators who faced retirement, whether voluntarily or through an election defeat, a special provision was written into the Legislators' Retirement System permitting those legislators or their families to receive their retirement benefits immediately.

Repeal Attempt

An effort was made by Senator James Mills in 1969 to terminate the early retirement bonus. Mills sought to repeal the early retirement option for members whose districts would be realigned by the 1971 reapportionment. His bill was enacted, but not until a "grandfather" clause was included to restrict its application to those who were first elected to legislative office after December 31, 1969.

Thus there are 81 legislators who are eligible for the retirement option because they (1) were elected prior to December 31, 1969, (2) have more than four years of service, and (3) have not yet reached age 60 or 20 years of legislative service. It should be noted, however, that 11 of these legislators either have more than fifteen years of service or are so close to age 60 that the early retirement bonus itself does not amount to much of a factor for them. For the remaining 70 legislators, however, the decision to pass up the special retirement benefits — which in 29 cases exceed $100,000 in income for the period until they reach age 60 — is difficult, to say the least. Nonetheless, the majority of those legislators who have the most to gain by retiring will probably pass up the option, despite what it means to them in personal and family benefits, because they are relatively young in terms of their legislative careers.

"Reform" Proposed

It is difficult, however, to predict who will and who will not retire, because few legislators will admit to retirement plans in advance, for fear that it will weaken their powers as legislators and as politicians. To avoid the possibility that the early retirement bonus will lead too many experienced legislators to leave Sacramento, Assemblyman Frank Lanterman has authored a proposal to permit eligible legislators to retain their rights to the retirement bonus past 1972, so that they can defer retirement without sacrificing any of the benefits they would receive if they retired next year. The proposal was amended into Assembly Bill 2329, previously authored by Rules Committee Chairman John Burton. In his supporting statement accompanying the bill, Lanterman stated: "The present legislative retirement law encourages and virtually requires, in their own self-interest, the mandatory retirement of as many as 80 experienced legislators at the end of the current term (1972). Such a potential experience 'brain drain' from any legislative system certainly should be avoided if at all possible. Further, such a large bloc retirement under existing law could potentially cost the state milions of dollars."

Under the proposed changes, the basic contribution rate for all new legislators and for all legislators who wish to retain their bonus rights will be raised from four percent to eight percent. A legislator who is eligible for the retirement bonus can retain a right to that bonus, if he or she accepts the new eight percent contribution rate. If the legislator decides to retire sometime after 1972, but before he or she reaches age 60 or fifteen years of service, that legislator may receive a monthly pension based upon the number of years of service up to 1972. At age 60, or after 15 years of service, the regular pension benefits will be paid, based upon the legislator's total legislative service.

Contributions Doubled

On the surface it appears that those supporting this

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proposal would like to have their cake and eat it too, but the matter is not that simple. The proposed increase in the legislator's contribution from four percent to eight percent, which applies to any new legislator elected after the effective date of the new provision, as well as to those legislators who wish to retain their early retirement option, is one percent higher than that required of other state employees. "This essential reform," Lanterman contends, "is long overdue. The original retirement contribution rate of 4 percent was based on early, low legislative compensation rates." Prior to 1967, legislative salaries were $6,000 annually, in contrast to the current figure of $19,200. Advocates of the plan point out, however, that this doubling of the contribution rate would not otherwise be proposed or attainable except as a trade-off for the retention of the bonus provision.

It is also significant that the four percent contribution rate does not begin to meet the current cost of benefits. Last year legislators' contributions into the system offset less than 10 percent of the cost to the state, compared to regular state employees' contributions which accounted for nearly 30 percent of the state's civil service pension expenditures. Even with a doubling of the contribution rate, legislative contributions will meet a relatively smaller portion of current costs because of greater benefits which legislators receive.

Impact Uncertain

Just how many of the 70 legislators who are directly affected by the early retirement option will retire next year is a matter of speculation. Certainly there will be some. Several will run for congressional seats. Others may be defeated in reelection bids and retire involuntarily. And some may simply decide to retire rather than seek reelection.

The basic question in determining the impact of the Lanterman proposal is the number of additional legislators who would leave the Legislature in 1972 under the early retirement option if no change were adopted. Many of those who are eligible either hold leadership positions or are relative newcomers to the Legislature, and it is unlikely that they would retire at this time. But there are perhaps 40 other legislators for whom this choice would be more difficult. If the retirement law is not amended these legislators will be forced to make irrevocable personal financial decisions in 1972.

Each legislator who passes up the retirement bonus will save the state that amount which would have been paid him had he retired. Similarly, if the retirement bonus is extended for those now eligible, each year they postpone the decision they will delay the impact of the cost of their retirement to the state. In many cases they may continue their service until they are eligible for retirement under the regular provisions of the system. Thus, it is difficult to judge whether the proposed change will result in a savings or increased cost to the state. It does, however, remove an artificial incentive for legislators to retire in 1972, and this extension of the retirement option is accompanied by the additional four percent increase in the contribution rate — a savings to the state which otherwise would not be obtainable.

TAXES *(Continued from page 276)*

tential "breakthrough," inasmuch as the Governor had made a similar proposal the year before. The Governor's negotiators nevertheless rejected this proposal, arguing for a half-cent sales tax increase instead. The Democrats turned this down, arguing that any sales tax increase should be saved for school aid in 1972.

At this point Assemblyman Bagley acknowledged to reporters that the obstacle to compromise was more than a simple political contest between the two parties. "We have ideological and philosophical differences" he said "that have not been resolved among the Democrats themselves, and the same thing is true of Republicans." Bagley emphasized that the negotiations were not at an end, but he also suggested that it might be necessary to settle for a $450 million "mini-package" such as the one he had prepared several weeks earlier which was designed to do little more than balance the budget.

No Accord

On Monday, October 4th, Speaker Moretti announced that the negotiations had been broken off and that the Democrats would once more attempt to pass their bill over the Governor's opposition. According to Governor Reagan, the Republicans had agreed to a $1.2 billion tax shift, and the principal matter in contention was how local government was to be restrained from absorbing the proposed tax shift. According to Moretti, however, the central issue was still "where the tax burden should fall." More specifically, it appeared, Democrats were holding out for deeper cuts in capital gains exemptions and oil and gas depletion allowances, while Republicans insisted on increases in cigarette and liquor taxes to raise additional revenue. On the following day, Governor Reagan announced at his weekly press conference that he would make no further concessions to the Democrats, and on October 7th, he left for a two-week trip to the Orient.

Maneuver Fails

Democrats then attempted a parliamentary maneuver to bring their proposal to a floor vote in each house without further committee action. An unrelated bill, AB 1762 authored by Assemblyman Gonsalves, which was then assigned to a Senate-Assembly conference, was amended to contain the Democratic tax program and sent back to the floor of each house. It was easily defeated in the Assembly 37-27, with 54 votes required for passage, and no vote was taken in the Senate. The Republicans also sought to move their bill, SB 1247 (Lagomarsino), which was then before the Senate Revenue and Tax Committee, but it was also quickly killed. A substitute measure proposed by Senator John Harmer met a similar fate.

By this time Governor Reagan had returned from his trip, and Bagley and one or two other legislators were again talking about a possible break in the deadlock. Bagley said that the closing of tax loopholes, which Assembly Democrats insisted upon, could be accommodated in his mini-package. Assemblyman Gonsalves, one of the Democrats who had fought hardest for a major tax shift, indicated that Democrats were willing now to talk about a less ambitious program. Nevertheless, as October ended there was still no action on this issue which has remained unresolved for nearly two years.

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The Governor's Executive Reorganization Authority May End This Year After Four-Year Experiment

Legislation to extend the Governor's authority to bypass the regular legislative process with proposals for restructuring executive agencies will apparently fail this session. A bill by Senator Howard Way to give Governor Reagan two more years to operate under this unique reorganization power has been bottled up in the Assembly Ways and Means Committee for four months, and there appears to be little interest among legislators in rescuing it.

The defeat of Way's bill, SB 73, will bring to an end a four-year experiment with executive-initiated reorganization patterned after a federal statute enacted in 1939. This procedure reverses the conventional legislative process by permitting the Governor to submit proposals for reorganizing the executive branch in the form of plans which automatically take effect unless they are formally disapproved by action of either the Assembly or the Senate. Few other states have tried this experiment. Most state constitutions require that administrative organization be accomplished by the passage of enabling legislation.

Brown Sought Power

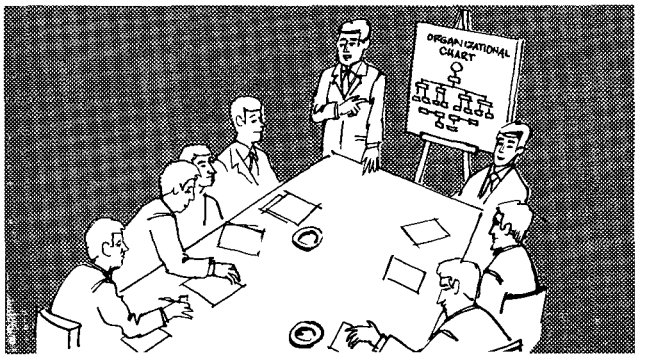
Throughout his eight years as Governor, Edmund G. Brown sought to persuade the Legislature to give him the power to propose reorganizations which would have the force of law. It was not until the final year of his administration that the Legislature acceded to his request and included in a constitutional revision submitted to the voters in 1966 a provision authorizing the Legislature to put administrative organization features into statute.

In 1967, following voter approval of the constitutional revision, Senator Howard Way introduced a bill, recommended by the Commission of California State Government Organization and Economy and the Assembly Government Organization Committee, authorizing the Governor to submit administrative organization plans for approval by the Legislature according to the federal model. The new authority, which was passed by the Legislature, provided that an administrative reorganization plan must be placed before the Legislature for 60 days before it can take effect. Originally, unless either house of the Legislature took action within 60 days to reject the plan by referring it to committee for further study, the plan automatically became law. This procedure was modified for this session, however, under the terms of an amendment which requires both houses to take action to either approve or reject (by referring to further study) an organization plan before it may take effect.

The reorganization authority was approved in 1967 for a two-year trial period and extended for two more years in 1969. Thus it will lapse at the end of 1971 unless the pending bill by Senator Way is enacted.

Reagan's Plans

Governor Reagan has submitted nine administrative reorganization plans to the Legislature over the past five years, of which only two have been rejected. Both actions came this year. On October 5th, the final day of the sixty day period for Reorganization Plan No. 3 of 1971, when the Democratic majority in the Assembly, in a straight party vote, sent the Governor's proposed Department of Environmental Protection back



to committee for further study, thus killing it for this session. Earlier in the year both houses turned down Plan No. 2 abolishing the Board of Dry Cleaners. In the Assembly this action occurred despite a committee recommendation that the plan be permitted to take effect.

The proposed Department of Environmental Protection would have brought together the air pollution and water quality control functions of the Air Resources and the Water Resources Control Boards. Additionally, state responsibilities for solid waste management were to be placed under the new department. It was, in brief, the Governor's response to the much more sweeping proposal by Assemblyman Ed Z'berg to create a single new super-board to handle all environmental protection matters.

One factor which led to its defeat was the belief on the part of Legislators that it had not been carefully prepared. For example, during hearings by the Assembly Government Organization Committee it became evident that the new department director would have

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line authority to hire and determine the duties of employees of the Air Resources and Water Resource Control Boards. Administration spokesmen indicated that had not been their intent, and promised to sponsor "trailer" legislation to specify that the director would not have any authority over these boards. A bill, SB 87 (Cologne), was amended to make these changes to take effect immediately.

Veto Recommended

Despite the administration's attempt to salvage this plan, the Assembly Government Organization Committee concluded its hearings with the recommendation that action be deferred until next year. Although Republican members of the committee suppported the recommendation, they joined other Republicans in solidly supporting the Governor's position when the Assembly took up the formal motion on the floor. On the first attempt the motion to refer the plan for further study failed because there were only 37 Democrats present, four short of the majority necessary to defeat the plan. A similar motion fell far short in the Senate. But on October 5th, the last day such an action was permissable, the Assembly Democratic leadership was able to muster the majority to kill the plan.

The defeats this session marked the first time Reagan reorganization plans have been turned down, but not the first time the attempt had been made. In fact, the very first, Reorganization Plan No. 1 of 1968 — grouping the various administrative departments under four agency secretaries, was challenged by the Assembly Government Organization Committee. Finding that the plan would have instituted changes unintended by the administration and that it was excessively vague in its terms, the committee recommended that the plan not be allowed to take effect. The Democratic majority in the Assembly could have blocked the plan, but Speaker Jess Unruh, knowing that Republicans would give the Governor straight party line support, told the Democratic caucus that it would be better to give the Governor his plan than to let him use its defeat as a partisan issue.

Department of Health

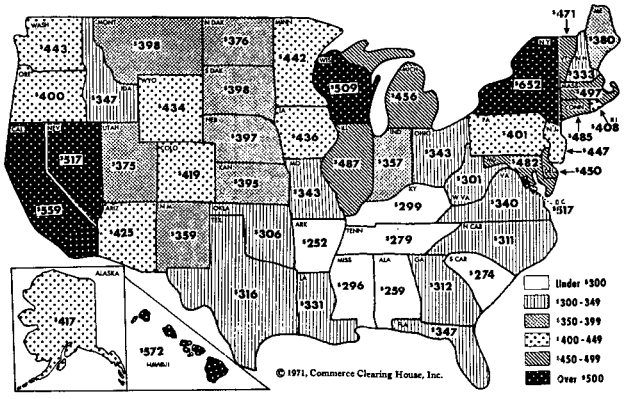
The reorganization plan which had the greatest potential consequence was Reorganization Plan No. 1 of 1970, which brought together the existing departments of Public Health, Health Care Services, and Rehabilitation and portions of the Department of Social Welfare. During legislative hearings on the plan, however, it became clear that in order to provide for an orderly transfer of functions to the new department, actual implementation could not occur before July 1, 1972. Accordingly, a second bill to accomplish this objective was passed following approval of the reorganization plan itself. This session, the Governor asked that the date be delayed by another full year to July 1, 1973.

The other plans submitted by Reagan — three in 1969, one other in 1970 and two others this year — have been of relatively minor importance, with the possible exception of proposals in 1969 and 1970 to realign various regulatory and licensing boards in the areas of professional and vocational standards. With few exceptions, those proposals stimulated considerable opposition from the affected occupations and professions. In 1969, Reagan attempted unsuccessfully to withdraw a portion of a plan which was to eliminate the New Car Dealers Policy and Appeals Board. He subsequently signed a "trailer" bill which reestablished the abolished agency, thus, in effect, vetoing a portion of his own plan. In that same year, Legislative Counsel George Murphy, ruled that one Reagan plan was not, in fact, a "plan" within the meaning of the statute and would therefore have no effect.

Senate Opposition

The Senate, which has not adopted the procedure of conducting formal hearings on the Governor's Reorganization Plans has, nevertheless, expressed displeasure with several plans, particularly those restructuring or eliminating various boards and commissions. The Senate also sponsored the amendment to the reorganization statute last year which now requires a specific action to reject a motion to refer a plan for further study before it can take effect. As a result of this change, the administration was placed in the peculiar position this session of having to sponsor motions to defeat its plans so as to obtain a recorded vote on each plan. As a result, Senator John Harmer, a close ally of the administration, is on record as the author of a motion to refer Reorganization Plan No. 1 of 1971 for further study, a motion he then voted against.

For all of these reasons Legislators of both parties, who were not enthusiastic about giving the Governor this authority in the first place, have found little reason to support its further extension. As a consequence, it now seems likely that the Governor's authority to submit administrative reorganization plans for enactment in this manner will be allowed to expire this year.



State and Local Per Capita Tax Burden in Fiscal 1969-70

The per capita state and local tax burden has continued to rise across the nation, according to figures compiled by the Commerce Clearing House for 1969-70. However, California, with a per capita average of $559, has been displaced by Hawaii in the number two spot. California and New York continue to collect over 25 percent of total state and local tax collections nationally.

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Jurisdictional Disputes Slow Efforts to Give the State an Effective Role in Solid Waste Management

Few environmental problems in California have received so much official attention and so little action as those surrounding the collection and disposal of solid wastes — the geometrically increasing refuse of our "effluent society." One reason for this is that the disposal of solid wastes — which range from yesterday's meal to the abandoned automobiles on our highways and the refuse of the state's manufacturing and agricultural industries — traditionally has been considered to be a local problem.

Each of the state's 58 counties and 400 cities is empowered to provide for the disposal of solid wastes, and there are, in addition, 1126 special districts empowered by law to perform solid waste management functions. Although it is increasingly apparent to state and local officials, and particularly to those who represent the major urban centers, that statewide standards for solid waste management are needed, such standards have failed year after year in the Legislature. Yet the increasing health hazards of poorly maintained public and private dumps, the continued pollution of the state's air and water by antiquated and inadequate solid waste disposal methods, and the general desecration of the countryside by open dumps, litter, and abandoned automobiles emphasize, if nothing else, the growing inability of local agencies and governmental bodies to cope with the problem .

Public Health Study

In 1966, the state Department of Public Health initiated what it termed "one of the most comprehensive statewide investigations of solid wastes and their resultant problems ever undertaken in the country." The study was funded by a federal grant under the Solid Waste Disposal Act of 1965, which provided federal funds for developing and demonstrating new techniques of managing solid wastes and grants to state agencies for the development of comprehensive statewide plans for waste management. The first phase of the study, which was carried out over two years (1966-68), was devoted to gathering and organizing data on the problem. Included in this phase was a much publicizd contract with an aerospace firm, Aerojet General Corporation, for the application of "space technology" to the problems of waste management. In 1968, the Legislature directed the department to submit a final report, including recommendations to the newly created State Environmental Quality Study Council, which was to pass the report on to the Legislature at the 1970 session.

According to the public health investigators, many disposal sites throughout the state were found to be dumping solid wastes directly into surface waters. At 81 sites solid wastes were in dangerous contact with ground water tapped by wells in surrounding residential areas. In 207 sites out of a total of 716 surveyed in the study, little or no provision was made to control surface water drainage. In 1967, more than 250 fires requiring the use of outside fire control equipment originated from refuse disposal. At well over half of the disposal sites, no effort was made to routinely cover the refuse which had been collected.

Behind these facts was a failure of local government: less than half of California's 58 counties had attempted to incorporate into local ordinances minimal standards for the location and operation of disposal facilities. Even fewer counties had developed any form of county plan for solid waste disposal, and many of the plans which had been developed had not been adopted or implemented.

In sum, solid wastes were found to be creating health hazards and nuisances, air and water pollution, and an increasingly destructive influence on the quality of the state's environment. Current provisions for statewide solid waste management were found to be wholly inadequate — particularly in the face of the continuing rapid increase in the production of waste materials. The basic causes for these deficiencies, said the report, are fragmented governmental authority, lack of coordination, inadequate standards, lagging technology, and insufficient financing. Based upon these findings the department concluded that the state should assume leadership in coping with the problems of solid waste management, with the cooperation of local government and private industry.

Legislative Stalemate

One of the chief causes for the repeated failure of legislation to establish state standards for, and regulation of waste disposal is the three-way stalemate between the refuse collection industry, the Department of Public Health and the Water Resources Control Board. Several legislative measures introduced in the 1970 and 1971 sessions to deal with the solid waste problem have died largely because these three groups have failed to come to terms with one another on a mutually satisfactory solution to the problem.

In recent years the Department of Public Health has been among the first to identify pollution crises in the state, only to find new agencies and boards created to take on powers of enforcement which it has advocated. The recent Nader Report on Land and Power in California says that the department has been unfairly maligned, particularly in the area of water pollution. According to Nader's investigators, the Dickey Water Pollution Act of 1949, the forerunner of California's present anti-pollution law, was written for the purpose of halting increasingly tough Public Health attacks on industrial pollution through creation of a regional water quality control system controlled by the polluting interests. Whatever the merits of this charge, it is certainly true that nearly all of the state's research into the problems of solid waste management has been conducted for or by the Department of Public Health. Department officials now feel that as a result of the department's 15-year concern with the solid waste problems, largely in sanitation regulation, it is the ideal enforcement agent for the state.

The State Water Resources Control Board, created

(Continued on page 284)

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The State Senate in Transition: A Study of the Declining Importance of Seniority in the Upper House

By Alvin D. Sokolow

Few legislative houses have been as unstable over a short period as has the California Senate since 1967. The election earlier this year of Senator James Mills as President pro Tempore brought on the fourth leadership regime in less than two years. And along with these leadership changes have come other internal shifts, including more than 40 changes in the chairmanships of standing committees since 1967.

Much of this instability can be traced to the 1965 equal population reapportionment of the Senate. As a result of that redistricting and the 1966 elections which followed, a record turnover in members occurred at the start of the 1967 session, when 22 new senators — a majority of the 40-member house — were seated. This was too large a freshman group for the small Senate to absorb quietly, especially since most of the newcomers had previous legislative experience in the Assembly and sought major revisions in the structure and operation of the more traditional upper house. The five legislative sessions from 1967 through 1971 thus represent a transition period for the Senate, during which the upper house has changed significantly as it has responded to the traumatic impact of reapportionment.

Veteran Senator Hugh Burns held the position of President pro Tem in 1967, and thus it was his regime which was hit first by the changes in the Senate resulting from reapportionment. Burns had served in the Senate for 14 years and ranked fifth in seniority when he was first elected pro Tem with bipartisan support in 1957, and by the time of his defeat in 1969 he had served longer in that post than any man before him.

For 10 years Burns' leadership was rarely challenged, based as it was on rule by consensus among a Senate membership with little turnover. His troubles began in 1968-69 when the Republicans, who then had a 20-20 tie with the Democrats, sought to gain the leadership post. However, it was not until part way through the 1969 Session, by which time the Republicans had gained a 21-19 edge, that a bare bipartisan majority, voting in closed caucus, unseated Burns and replaced him with Howard Way.

Way held office for less than a year, being replaced by a more conservative Republican member of the "Old Guard," Jack Schrade, in the second month of the 1970 Session. Schrade was himself deposed in the opening days of the 1971 Session when the Democrats, with a 21-19 advantage, determined to regain the pro Tem post and unified behind James Mills.

The Seniority Tradition

Before the 1965 reapportionment, the Senate operated under the belief that a member's relative length of service was an indication of his ability and just rewards, and thus his committee choices were to be satisfied according to his seniority. This principle was consistently applied to the point where the 25 or so committee chairmanships and Rules Committee positions available in a session were given to the 25 or so members with the longest service, while the 15 most junior senators did not receive such assignments. Furthermore, positions on the most powerful — and hence desirable — committees were allocated in the same way. A majority of the chairmen and members of the Rules, Finance, and Governmental Efficiency Committees were usually drawn from the upper quarter of the seniority list. This pattern can be traced back to at least 1941 when the Senate first adopted a seniority provision in its rules dealing with standing committtee assignments. Even before that, as early as 1911, the seniority principle was carried out in a less formal fashion.

At first, following reapportionment, the Burns regime attempted to operate "as usual" in dealing with the uncertainties produced by the large Senate turnover of the 1966 elections. This meant a rigid application of seniority in the committee appointments of the 1967 and 1968 sessions, to the extent that was possible. Because there were more chairmanships and Rules Committee positions (26) than returning senators (18), seven chairmanships of lesser committees and one Rules Committee spot were given to freshmen who had served in the Assembly. Still, the concentration of

Alvin D. Sokolow is Associate Professor of Political Science and Environmental Studies and a member of the Institute of Governmental Affairs, UC Davis. The research reported in this article is part of a larger study of the impact of reapportionment on the California Legislature conducted by the institute since 1966 and supported by a grant from the National Municipal League.

The author's term "regime" is intended to include not only the President pro Tempore of the Senate, but also the members of the Rules Committee, the chairmen of a few other major standing committees (e.g., the Finance Committee) and, more recently, the majority party floor leader and caucus chairman. Rules Committee members, like the pro Tem, who chairs the committee, are chosen by vote of the full Senate, with two members from each party. The chairmen and members of all other committees are appointed by the Rules Committee.

The four Senate regimes with which this article deals are those of the following Senate Presidents pro Tempore:

Hugh Burns (D-Fresno County): 1956-May 13, 1969.

Howard Way (R-Tulare County): May 13, 1969-February 10, 1970.

Jack Schrade (R-San Diego County): February 10, 1970-January 4, 1971.

James Mills (D-San Diego County): January 4, 1971-

For additional background on this subject see *California Journal*, February 1970, pages 35-41.

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Gainers and Losers in Senate Chairmanship Changes

Burns — 1969

	Senator	Chairmanships** Old/New	Party	Ideology	Region	Regime*** Support
Gainers:	Collier	Transp/Finance	Dem	Conserv	North	Pro-Burns
	Short	Business/Transp	Dem	Moderate	North	Pro-Burns
	Marler	FishGame/Agric	Rep	Moderate	North	Pro-Burns
	Coombs	None/PubHealth	Rep	Moderate	South	Pro-Burns
	Cusanovich	Insti/Labor-SocW	Rep	Conserv	South	Pro-Burns
	Walsh	None/Insti	Dem	Conserv	South	Pro-Burns
	Deukmejian	None/Elections	Rep	Moderate	South	Pro-Burns
	Richardson	None/FishGame	Rep	Conserv	South	Pro-Burns
	Song	None/BusnProf	Dem	Liberal	South	Anti-Burns
Losers:	Way	Agric/None	Rep	Moderate	North	Anti-Burns
	Beilenson	PubHealth/None	Dem	Liberal	South	Anti-Burns
	Petris	Labor/None	Dem	Liberal	North	Anti-Burns
	Mills	Elections/None	Dem	Liberal	South	Anti-Burns
	Dymally	SocW/MilVets	Dem	Liberal	South	Anti-Burns
	Carrell	MilVets/None	Dem	Moderate	South	Pro-Burns

Way — 1970

Gainers:	Grunsky	Judiciary/Finance	Rep	Moderate	North	Way
	Burns	None/Agric	Dem	Conserv	North	Burns
	Mills	None/Transp	Dem	Liberal	South	Way
	Sherman	None/GovtOrg	Rep	Liberal	North	Way
	Cologne	Water/Judiciary	Rep	Moderate	South	Way
	Alquist	None/BusnProf	Dem	Liberal	North	Way
	Beilenson	None/HealthWel	Dem	Liberal	South	Way
	Marks	None/Elections	Rep	Liberal	North	Way
Losers:	Collier	Finance/None	Dem	Conserv	North	Burns
	Marler	Agric/None	Rep	Moderate	North	Way
	Short	Transp/None	Dem	Moderate	North	Burns
	Dolwig	GovtEff/None	Rep	Moderate	North	Burns
	Song	BusnProf/None	Dem	Liberal	South	Burns
	Coombs	PubHealth/None	Rep	Moderate	South	Burns
	Danielson	PubUtil/None	Dem	Liberal	South	Way
	Deukmejian	Elections/None	Rep	Moderate	South	Way
	Dymally	MilVets/None	Dem	Liberal	South	Way
	Richardson	FishGame/None	Rep	Conserv	South	Way
	Walsh	Insti/None	Dem	Conserv	South	Burns

Schrade — 1970

Gainers:	Collier	None/Transp	Dem	Conserv	North	Schrade
	Marler	None/Agric	Rep	Moderate	North	Schrade
	McCarthy	None/Insurance	Rep	Moderate	North	Schrade
	Short	None/IndusRel	Dem	Moderate	North	Schrade
	Song	None/BusnProf	Dem	Liberal	South	Schrade
	Coombs	None/Water	Rep	Moderate	South	Schrade
	Dills	None/PubUtil	Dem	Conserv	South	Schrade
	Whetmore	None/Elections	Rep	Conserv	South	Schrade
Losers:	Mills	Transp/None	Dem	Liberal	South	Way
	Way	Rules/GovtOrg	Rep	Moderate	North	Way
	Bradley	Insurance/None	Rep	Conserv	North	Way
	Cusanovich	IndusRel/None	Rep	Conserv	South	Schrade
	Sherman	GovtOrg/None	Rep	Liberal	North	Way
	Alquist	BusnProf/None	Dem	Liberal	North	Absent
	Marks	Elections/None	Rep	Liberal	North	Way
	Burns	Agric/None	Dem	Conserv	North	Schrade

Mills — 1971

Gainers:	Alquist	None/PubUtil	Dem	Liberal	North	Absent
	Carrell	None/Transp	Dem	Moderate	South	Schrade
	Deukmejian	None/BusnProf	Rep	Moderate	South	Absent
	Dymally	None/Elections	Dem	Liberal	South	Schrade
	Marks	None/LocalGovt	Rep	Moderate	North	Way
	Bradley	None/Insurance	Rep	Conserv	North	Way
	Nejedly	None/NatResour	Rep	Moderate	North	Schrade
	Collier	Transp/Finance	Dem	Conserv	North	Schrade
	Dills	PubUtil/GovtOrg	Dem	Conserv	South	Schrade
	Song	BusnProf/Judiciary	Dem	Liberal	South	Schrade
Losers:	Grunsky	Finance/None	Rep	Moderate	North	Way
	Schrade	Rules/None	Rep	Conserv	South	Schrade
	Marler	Agric/None	Rep	Moderate	North	Schrade
	Coombs	Water/None	Rep	Moderate	South	Schrade
	Whetmore	Elections/None	Rep	Conserv	South	Schrade
	Way	GovtOrg/Agric	Rep	Moderate	North	Way
	Cologne	Judiciary/Water	Rep	Moderate	South	Way

*Includes all chairmanship changes in the 1969-71 period, with the exception of the Rules Committee (President pro Tem)
**Several committee titles were changed by the Way and Schrade regimes because of changes in the number of standing committees
***"Regime Support" is based upon the votes for pro Tem

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choice committee assignments among top veterans was as great as before reapportionment.

Burns' "business-as-usual" approach, however, was not acceptable to many members, including a few veterans as well as the majority of freshmen senators. Younger members generally were unhappy with the traditional operating styles of the Senate, including limited staff and housekeeping services, the tendency to restrain debate and open discussion of issues on the floor, and the secrecy of the operations of important committees, such as Governmental Efficiency and Economy. Many of the freshmen felt that their Assembly-acquired interests and expertise had been slighted in committee assignments. Republicans were unhappy because Democrat Burns still retained the office of pro Tem in early 1969, despite the fact that the GOP had by then picked up a majority of the Senate seats. Democrats were unhappy because Burns publicly supported Republicans for national office in 1968. And senators of both parties who had come to believe that the development of party caucuses and party loyalty was a necessary legislative feature were displeased with the nonpartisan style of the incumbent regime. As a result, there were several unsuccessful efforts to unseat Burns as President pro Tempore at the start of the 1968 and 1969 sessions. The principal challengers were Donald Grunsky in 1968 and Howard Way in 1969, both Republicans.

End of Seniority

Burns retaliated by changing his opponents' committee assignments at the start of the 1968 session and again in 1969. Relatively tenured members lost desirable assignments to more junior senators — a decided break in the seniority chain. In 1968 Robert Lagomarsino, a Grunsky supporter and 11th-ranking in Senate seniority, was not reappointed to the Finance and Governmental Efficiency Committees. His replacements on both committees (George Danielson on Finance and James Wedworth on Governmental Efficiency) were freshman Democrats. The following year Howard Way (also 11th in seniority) lost the chairmanship of the Agriculture Committee to Fred Marler (17th) because he had sought the pro Tem's position. Way also lost a seat on the Finance Committee, as did one of his supporters, Albert Rodda (ninth in seniority).

Throughout 1970 and 1971 many more changes in chairmanships and other assignments occurred, as each new regime sought to consolidate its position by revising the appointments of the previous regime. Many of the changes constituted demotions for senior members, as they lost chairmanships outright or were appointed to less important positions than previously held. In seven cases under the Way regime, one under Schrade, and four under Mills, senators were replaced as committee chairmen and members of Rules by more junior members. As well as indicating a clear break with the seniority standard, these shifts disrupted the committee membership security that had been a part of the seniority tradition.

In the past, Senate seniority meant that a member could not be shifted from one committee position to a lesser one (a demotion) against his will. Most changes in the committee assignments of returning members from one session to the next were new appointments to more desirable positions, and thus constituted promotions. But under the new rules, a tenured senator could no longer be guaranteed the retention of his committee positions or promotion regardless of regime changes. Only two senators retained the same committee chairmanships through all five sessions from 1967 through 1971. They are Albert Rodda (Education) and Walter Stiern (Revenue and Taxation).

The New Criteria

As possible replacements for the abandoned seniority standard, a number of other criteria were available to the several leadership regimes of the Senate. Chairmanships and other committee positions could be assigned on the basis of any one or combination of political and personal qualifications of members, including political party affiliation, loyalty to a particular regime, ideology, competence, special interests, etc.

Because their support came from shaky coalitions that cut across party lines, the Burns, Way, and Schrade regimes in 1969-70 had to consider loyalty as a primary criterion for appointing chairmen, rewarding or punishing their colleagues according to their support of the incumbent or challenger for President pro Tempore. It was not until the appearance of a new Democratic majority and the election of Mills as pro Tem in 1971 that political party affiliation — a minor consideration earlier — became the dominant guide for chairmanship rewards. These observations are based on a review of all changes in Senate committee chairmanships (except the Rules Committee) in the period 1969 through 1971.

In the first large-scale break with the seniority tradition, the Burns regime in 1969 punished many of the 12 senators who unsuccessfully challenged his leadership by requesting a roll call on his continuation in office. All of the six anti-Burns senators who held chairmanships in 1968, with the exception of Senator Rodda, were demoted in the 1969 assignments.

Way's Election

When Howard Way was elected pro Tem in 1969, his support came from a coalition of 13 Republicans and eight Democrats, a majority of whom were first elected to the 1967 session. He was elected too late in the 1969 session to attempt a reordering of committee assignments, but after his reelection at the start of the 1970 session, new committee assignments were announced. The loyalty factor was quite evident in these committee assignments, although there were some important exceptions. Significantly, five senators who had supported Way in the May, 1969 vote to overturn Burns lost their chairmenships. By no means an intentional punishment on the part of the Way regime, these losses were the result of a reduction in the number of standing committees (from 21 to 15) and thus the number of chairmanships which could be awarded.

An added factor may have been a dimmed recognition on the part of the Way regime as to the importance of rewarding supporters, after the long period (eight months) which elapsed between the original Way election and the regime's first opportunity to reappoint chairmen. At any rate, this lack of loyalty recognition led directly to the downfall of the Way

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regime and the Schrade election three weeks later. Especially critical was the replacement of Senator Marler — an original Way supporter — by Senator Burns as chairman of the Agriculture Committee, as a "no-hard feelings" gesture to the former pro Tem. Although Marler was compensated with an appointment to the Finance Commitee, he resented the loss of the chairmanship and was a contributor to the regime's upset by Schrade a few weeks later.

The loyalty factor was followed more consistently by the Schrade regime when its committee appointments were made in February, 1970. Schrade was a conservative Republican with Senate seniority equivalent to Way's. His 23 votes also came from a bipartisan coalition, largely composed of senior senators who were joined by some of Way's original supporters who had become unhappy with his committee appointments. Schrade's election represented a counter-revolution, since he had been a close associate of Burns and had served with him as a member of the Rules Committee.

Partisan Standard

All of the senators who gained chairmanships under the Schrade regime had supported his election while all but two of the losers had been members of the Way coalition. A qualification of this reward-punishment pattern was a limited partisan standard followed by the Schrade regime: Republican Senators Grunsky and Lagomarsino — both Way supporters in the February vote — were retained as chairmen of the Finance and Natural Resources Committees.

The election in 1971 of liberal Democrat James Mills as pro Tem was decided largely within his own party, and therefore differed from the bipartisan coalition victories of the earlier regimes. Mills is a former assemblyman who entered the Senate in the large turnover of 1967 and was a vocal proponent of internal change.

Political party identification clearly became the dominant standard in committee assignments under his regime. Every loser in the chairmanship changes was a Republican while six of the ten gainers were Democrats. The four Republican gains were limited ones, as Democrats assumed the chairmanships and acquired new majorities on most important committees such as Finance, Governmental Organization, Judiciary, and Elections and Reapportionment. Although Mills had earlier been a member of the Way coalition, and had voted against Burns and Schrade in 1969 and 1970, his regime promoted six senators who had supported Schrade, five of whom were Democrats.

This pronounced shift from regime loyalty to party affiliation in the chairmanship appointments of 1971 followed upon the election of a Democratic majority in the Senate the preceding November and the retirement of several senior members (Burns, McCarthy and Dolwig) who had favored a bipartisan approach in organizational matters. After some maneuvering within his party (which included agreements with such earlier Burns-Schrade supporters as Senators Collier and Teale, both competitors for the pro Tem's position), Mills received complete support from fellow Democrats, and his election had been assured before the caucus and formal floor vote of the Senate on the first day of the 1971 session.

A trend toward increasing partisanship in Senate committee assignment decisions could be detected even before the takeover of the Mills regime in 1971. Mills undoubtedly reinforced this pattern, but it remains to be seen how permanent and consistent the partisan standard will be. Certainly the break with seniority as the dominant committee appointment criterion is irrevocable, given the prevailing attitudes of the current Senate and the difficulty of reinstituting such a system. The consistency of partisanship may depend on the margin of seats held by majority parties in future Senates and whether successful candidates for President pro Tem will always come from the majority and will be able to confine their campaigns among the members of their own parties. Much of the leadership instability of the 1969-71 period was brought on by the close balance between the two parties and the necessity of pro Tem candidates to form bipartisan coalitions. But even with the reappearance in the future of 20/20 and 21/19 margins between the two parties the partisan emphasis established by the Mills regime will probably continue. Fewer senators now believe in restoring and protecting the old bipartisan traditions; most members support strong party caucuses and floor leaders.

On the other hand, it does not seem likely that the California Senate will approach the complete partisanship of the United States Congress in which the majority party of a house holds all chairmanships and has majority membership on all standing committees. As long as the Rules Committee of the Senate continues as the appointing power, and as long as members of this leadership group represent both parties, a bipartisan allocation of chairmanships will continue. Perhaps the numerical division of committee rewards will vary according to the margin of seats held by the majority party, a practice loosely followed by the California Assembly in recent years. The leading party in any session, however, will control the chairmanships and majorities of the more important committees.

Centralized Power

The shift from seniority to partisanship promises to have other consequences for the internal operations of the California Senate. It suggests, first, a greater centralization of power in the Senate — a shift of control from the chairmen and other senior members of important committees to the President pro Tem, his party colleagues on the Rules Committee, and perhaps the caucus and floor leaders of the majority party.

Second, the Senate will more resemble the Assembly in the importance of partisanship in a variety of contexts. Election results will be more critical; the most significant internal changes will occur as a result of shifts in party majorities.

Finally, there will be an impact on legislation and how it is handled by the Senate. The reputation acquired by the upper house as a conservative body and disposer of ideas proposed by the Assembly will be somewhat reduced, in part — as it has been already — because of the lessened domination of committee chairmen. Certainly changes in party majorities and leadership regimes in the Senate will provide the opportunity for moving in new legislative directions.

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 (Continued from page 279)

in 1967 to deal with water rights, water quality and water pollution, also claims this role, largely on the grounds that it is the only pollution control agency that has regional enforcement boards which are independent of local government. The Air Resources Board, closest in structure to the water board, also operates through local boards, but these are composed of county supervisors or other local government officials sitting in special session. The water resources staff accordingly argues that it offers the only pollution enforcement system that combines local expertise with direct state controls, established by its state board which sets state standards and hears appeals to regional board decisions. Moreover, the state board is composed of professionals, in contrast to traditional state regluatory systems which give representation to the private interest groups to be regulated and to preexisting state agencies. The water resources control system has, in addition, some limited powers over solid waste disposal sites under the Porter-Cologne Water Act — powers that the board has exerted with considerable vigor against the waste removal industry on the regional level.

The third party in this jurisdictional fight is the California Refuse Removal Council (CRRC), which is by far the largest industry representative in Sacramento in the field of solid waste management. The most frequently proposed industry solution to the solid waste problem in past years was the establishment of an independent board which would be granted all of the existing state regulatory powers regarding solid waste management. Such a board would include strong industry representation and would exercise its regulatory powers largely through licensing arrangements similar to those employed by the state's Public Utilities Commission. The Department of Public Health and the Water Resources Control Board have joined to oppose such a board, and it is significant that no such proposal was introduced at this session of the Legislature.

Environmental Council

This year legislative interest has focused upon Assemblyman Edwin L. Z'berg's proposed Environmental Quality Study Council, which would take over responsibility for environmental protection in all fields, including solid waste management. Z'berg's bill, AB 1056, which is still alive in the Senate despite formidable opposition, orginally established a solid waste technical advisory committee within the agency to provide information and advice to the council on state and regional problems pertaining to solid waste.

Not surprisingly, officials in the Public Health Department and members of the Water Resources Control Board have expressed opposition to the Z'berg bill, which would take away many of their powers. Dr. John M. Heslep of the Department of Public Health says that it will give the council "virtual dictatorial control over every aspect of life in California," a charge leveled by other members of the Reagan administration. Ronald B. Robie, a member of the Water Resources Control Board, characterizes the Z'berg plan as "too much, too soon." The refuse removal industry has actively opposed Z'berg's bill on the basis that the industry is not represented on the council, which follows the professional, full-time membership concept of the Water Resources Control Board. As a consequence of this opposition, the solid waste management council was one of several provisions removed from the bill in the Senate in an effort to keep the measure alive.

A bill which appears to have considerably better chances of enactment is SB 138 (Nejedly and Dills) which has been amended to incorporate what is to be called the Nejedly-Z'berg Solid Waste Management and Resource Recovery Act of 1971. The measure assigns state responsibility in this field to the Water Resources Control Board, which is to adopt by January 1, 1974, a state policy for solid waste management and solid waste resource recovery. It also creates a Solid Waste Management and Resource Advisory Council which is to prepare a resource recovery program and advise the water board on solid waste management policy. The bill also declares that primary responsibility for adequate solid waste should remain at the local level and requires every county to prepare a solid waste management plan for submission to the water board. Supporters of this proposal, including the state water board, say that it will encourage statewide planning but allow for essential local control of solid waste management. SB 138 has passed the Senate and won approval from the Assembly Natural Resources and Conservation Committee, which Z'berg chairs on October 28th.

Burning Ban

Much of what has been done in the past regarding waste disposal has been aimed primarily at reducing water pollution, the hazard of forest fires, protecting wildlife and livestock, and cleaning up highway litter. It is not surprising, therefore, that to date the only substantial attempt to deal with the problems of solid waste disposal on a statewide level is the partial ban on open burning which goes into effect on December 31st. In general, the new law prohibits open burning in dumps and limits agricultural burning to periods when atmospheric conditions will minimize air pollution, but it is enforceable only by action of the state attorney general, except in those counties which have adopted the burning ban as county ordinances. Local air resource boards are responsible for controling agricultural burning.

Despite its weakness, the burn ban is important because of the fact that, according to the public health study, fully 75 percent of all solid waste disposal sites have engaged in some form of open burning, and over half of all disposal sites operate completely uncontrolled burning dumps. The precise economic effect of the burn ban on the refuse industry is as yet unknown, but it is likely to be considerable. The public health study found only 10 percent of the disposal sites in California using the relatively costly sanitary landfill, the only alternative to burning that currently meets the sanitary standards of the Public Health Department. Sanitary landfill is a process of compacting solid waste to the smallest practical volume and covering the resulting refuse with dirt daily.

The disadvantage of the landfill method, however, is that it demands an ever expanding amount of land at a time when it is increasingly difficult to find useable land at a reasonable cost. Three years ago — before the burn ban — the Department of Public Health figured the land need for the year 2000 at an estimated disposal capacity of 1,8000,000 acre feet. Assuming a dramatic increase in landfill disposal as a result of the burn ban, that figure could now be multiplied several times.

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LETTER FROM WASHINGTON
By Lou Cannon

October 29, 1971

The man they used to call the "son of a fighter" and a man they called a lot of other things slugged it out verbally in the Senate office building corridors recently over the issue of who most deserved to be called a demagogue. It was a no decision contest all the way between U.S. Senator John Tunney and Board of Equalization Member William Bennett, who shook up a Senate Commerce Committee hearing on legislation to allow an El Paso Natural Gas Co. monopoly in the West.

Bennett, trying hard to dramatize a case that needed little dramatization, made a lot of lurid charges against El Paso about improper lobbying, some of them eminently worthy of investigation by the Senate committee, which responded as if he had desecrated the holy of holies. Tunney, who has a low boiling point, said in the hearing that Bennett was "guilty of the worst form of demagoguery," and later, when Bennett approached him in the corridor, told him to "go to hell." Bennett, whose boiling point is even lower, responded: "Don't get high-and-mighty with me. We're both men. When you talk about demagoguery, I remember the Brown campaign. Don't give me that crap." His reference, of course, was to former Representative George M. Brown of Montebello, who opposed Tunney in the Democratic primary for U.S. Senate in 1970 and who accused Tunney of incorrectly implying that he (Brown) advocated violence. Both Brown and Bennett wound up supporting Tunney in the general election.

* * *

It was a difficult month for Tunney, who briefly flirted with a "favorite son" presidential candidacy launched by Democratic financier Eugene Wyman, who wanted to save his money in the primary election. The trial balloon was shot down covertly by senior Senator Alan Cranston, who wants an open primary, and openly by such as Representatives Thomas Rees of Los Angeles, who is busily lining up presidential support for Edmund Muskie. "It really smacks of backroom politics," Rees said. Rees, though one of the most liberal California congressmen in his voting pattern, showed a measure of reality that escaped some of his colleagues when he signed a letter of support for Virginia Representative Richard H. Poff during the boomlet for Poff's appointment to the Supreme Court. "I don't like Nixon and don't think he should have been elected," said Rees. "But I think he ought to be able to name a conservative to the court." Poff, who is very highly regarded by his colleagues, also had the backing of former California Governor Edmund G. Brown who served with him on the National Commission to Reform the Federal Criminal Code. The strong belief on Capitol Hill is that Poff, who was backed by Minority Leader Gerald Ford never had anything more than public relations support from the White House.

While Representative Paul N. McCloskey of Portola Valley continued to campaign quietly for the Presidency in New Hampshire, Representative John G. Schmitz, whose district includes the Western White House at San Clemente, raised the possibility of a conservative challenge within the Republican party to President Nixon over the China recognition issue. Schmitz says he would lead such a challenge only if it is based on "principles, not personalities" and mounted a collective leadership of conservatives. Schmitz has become popular in Republican circles in the House for the kind of flippant bluntness that is much rarer in Washington than California. When White House types were babbling about inflation at a briefing of GOP congressmen, Schmitz reduced them to incoherence by asking them why they had sent a badly unbalanced budget to the hill. Schmitz's conservative Republican colleague, John Rousselot of San Marino, also has his moments. When asked (before the expulsion of Nationalist China) how he felt about Communist China being seated in the United Nations, he replied: "I don't care if they have a seat in the U.N., as long as its ours."

* * *

One of the ludicrous consequences of the sloppier sections of Ralph Nader's report on California land use is that an unnamed Sacramento congressman was fingered as having set up a meeting in behalf of an environmentally dubious Army Corp of Engineers project. Most people thought the reference was to Representative John Moss of Sacramento, who thought so himself, and began an angry exchange of correspondence with Nader. Actually, the "culprit" was Representative Robert Leggett of Vallejo, who freely relates that he set up the meeting.

* * *

Former Assembly Speaker Jess Unruh was talking thoughtfully about his coming challenge to Los Angeles Mayor Sam Yorty at a reception here sponsored by the Citizens Conference of State Legislatures. Unruh was introduced to Minnesota Senator Hubert Humphrey, who is busily running for the presidential nomination again. "We've met before," Humphrey said laconically after he shook hands with Unruh, who still makes a hit with his fellow legislators from around the country. Incidentally, Jack McDonald, a competent assistant press secretary from Governor Brown's reign in California, is now the No. 1 press man for Hubert, who on a recent Midwest trip effectively upstaged Senator Henry Bellmon of Oklahoma. Bellmon asked a high school class how many favored an all-volunteer army, and nearly everybody's hand shot up. They were leaving the room when Humphrey quietly asked, "How many of you would volunteer?" No hands.

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California Journal/*NEWSBRIEFS*

Adult Authority Returns to Fixed Terms for Most Prisoners

Responding to growing pressure from prison reform advocates (see *California Journal*, June 1971, page 160), the California Adult Authority, on October 18th, adopted a resolution guaranteeing that most state prison inmates will have their release dates set within six months of the time they enter prison. Only certain sex offenders, prisoners judged to be mentally incompetent and those who have served two or more prior terms are to be excluded from the new rule. The authority thus abandoned the indeterminate sentence policy, adopted in 1944 as a reform measure, according to which each prisoner is given a release date (within a minimum and a maximum period), when he is judged by the authority to be sufficiently rehabilitated to return to the outside world. Under that policy, fewer than 20 percent of all inmates had fixed terms, with the rest, according to critics, subject to unreasonable uncertainty and despair regarding their future. Prison officials also have come to believe that prisoners with fixed sentences are less likely to participate in riots and other disorders.

AB 483 (Ryan and Karabian), which is now in the Senate, requires the Adult Authority to fix sentences within 12 months for prisoners with minimum terms of 5 years or less and 30 months for prisoners with minimum sentences of over 5 years.

Court Reorganization Proposal Dies in Senate Committee

Assemblyman James Hayes' proposal to centralize jurisdictions within the state's court system was defeated by a split voice vote in the Senate Judiciary Committee on October 5th. The Hayes legislation, which included three bills and a constitutional amendment, had been passed by the Assembly (see *California Journal*, July-August 1971, pages 196-198). Hayes' reorganization proposal was aimed at centralization of administrative and financial responsibilities within the court system, and the elimination of municipal and justice courts in favor of one trial court in each county, the superior court, which would in turn be divided into several jurisdictions. It is doubtful that Hayes can get reconsideration for his measure this year, but a modified version will probably be introduced early in the next session so that the amendment, if passed by the Legislature, can appear on the November 1972 ballot.

Legislature Votes Funds for Berkeley, Alameda Police Costs

On October 21st, the Senate by a vote of 27-0 passed a bill by Assemblyman Ken Meade appropriating $30,000 to reimburse the City of Berkeley and Alameda County for overtime police costs incurred in 1969 in Berkeley. This is the first such action under a recent state law which authorizes the state to reimburse local governments for a portion of "excess" police costs incurred in the protection of public property during a campus disorder. The state may pay up to 50 percent of any costs over $100,000 which accrue within a 90-day period. "This appropriation repays the citizens of Berkeley and Alameda County for services rendered to the state, and acknowledges the state's responsibility in these matters," said Meade in hailing the bill's passage. Governor Reagan signed the bill into law on November 4th.

Coordinating Council Seeks Charter Control of Private Trade and Vocational Schools

Acting on a staff report which cites a long list of examples of consumer fraud by unsupervised private trade and vocational schools, the Coordinating Council for Higher Education voted at its October 4th meeting to seek authority to charter all new post-secondary private educational institutions. According to the staff report, California has become a mecca for "diploma mills" and other fraudulent educational enterprises because of the absence of effective standards for their approval. The council also agreed to ask the Legislature to provide statutory standards for the approval of new educational institutions at all levels. Prior to acting, the council heard testimony on the staff recommendations from the Attorney General's office, the Department of Education and representatives of accrediting associations, all of which was generally favorable to the proposed action. In a separate but closely related statement Superintendent of Public Instruction Wilson Riles stated that he, too, is concerned about the lack of standards for the operation of private elementary and secondary schools in California.

The council has asked its staff to prepare draft regulations and a proposed plan for giving the council chartering authority, for consideration at its December meeting.

New Economic Development Commission Created

A 17-man Commission for Economic Development will replace the state's Industry and World Trade Commission and the Tourism and Visitor Services Commission. The new body, created under the terms of SB 1407 (Lagomarsino), which was signed into law by Acting Governor Ed Reinecke on October 22nd, will work to attract new industry into California, expand existing state business, and thus create new jobs. Membership on the commission will include businessmen, legislators and labor leaders with Lieutenant Governor Reinecke as chairman. Ten members will be appointed by the Governor, three by the Senate Rules Committee and three by the Speaker of the Assembly. "With thousands of our most skilled citizens out of work and thousands more who can obtain the skills but cannot find jobs, we have to compete for our share of clean, non-polluting industries — and their payrolls," noted Assemblyman Bill Greene who, together with State Senator Robert Lagomarsino; coauthored the bill creating the commission.

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NAACP Files Massive Suit Against Racial Discrimination by the State

The National Association for the Advancement of Colored People has filed suit to end racial discrimination by state agencies in the fields of housing, education, employment, banking and veterans affairs. The suit, which was filed by NAACP attorney Nathaniel Colley in the U.S. District Court on October 20th, charges Governor Reagan and an array of other state officials with violation of federal guarantees of equality and civil rights. The all-inclusive character of the suit is intended, says Colley, to provide a faster, more effective and less costly attack on racial discrimination than has been achieved by the multitude of individual lawsuits initiated in the past. Among the charges against the state are: that State Personnel Board policies result in a reduction in minority employment by the state; that the public school system continues to foster racial segregation; and that the state has done little to promote nondiscrimination in housing and continues to let state-licensed financial institutions discriminate against minorities. Much of the information upon which these and other charges are based, came from state data "left on my doorstep" by unnamed sources, Colley said. The suit is expected to cost the NAACP about $100,000 at the trial stage. If it is successful, Colley believes that similar suits will be filed in other states.

California Maritime Academy Becomes Part of the State College System

The California Maritime Academy, which has been operated as a semi-autonomous institution loosely linked to the Department of Education, will soon become a part of the California State College system. AB 705 (Dunlap), which effects this change, has passed both houses of the Legislature and now awaits approval by the Governor. The academy, located on the San Francisco Bay near Vallejo, is one of five public institutions in the country which train young men to be deck and engineering officers on commercial and other ships. It currently enrolls 250 students in a three-year program. There have been several efforts in the Legislature in recent years to close the academy because of declining demand for its highly specialized training program. Transfer of the institution to the state colleges is viewed as a way of saving it, with the expectation that its curriculum will be expanded and its academic standards raised.

CSEA General Council Votes New Officers, War Chest

Meeting in Fresno in October, the General Council of the California State Employees Association took two actions which suggest increasing militancy on the part of the organization in behalf of state employees. The first was the election of a new president, Dr. LeRoy A. Pemberton of San Diego State College, who, in winning the post, defeated the past president, vice-president and secretary-treasurer, all of whom sought the presidency. The second action was approval of a one-year special assessment of $1.75 per member per month, which is expected to raise $2 million for the organization to spend in an initiative campaign in 1972 aimed at raising state salaries. Earlier in October the CSEA's board of directors agreed to seek a constitutional amendment which will require state salary recommendations by the State Personnel Board to be part of the annual state budget, deny the Governor power to veto pay increase funds and establish collective bargaining machinery for the settlement of disputes. The association will seek to put such an initiative on the November 1972 ballot. In a related action, the CSEA General Council increased its regular dues by $.75 per month, which will permit a $700,000 increase in the association's budget for 1972-73.

Alatorre Faces Brophy in 48th Assembly District Runoff

Richard Alatorre, 28, Administrative Assistant to Assembly Majority Leader Walter Karabian, won the Democratic nomination from six other Democratic opponents in the special 48th Assembly District election on October 19th. He faces a November 16th runoff against Bill Brophy, the unopposed Republican candidate who received 35 percent of the vote. Alatorre received 22 percent of the vote for the seat vacated by David Roberti, who was elected to the Senate in July.

Alatorre's prospects are good in the runoff. The district is 62 percent Democratic, and the Republicans are apparently not putting a heavy effort into the race because the district will most likely be more Mexican-American and at least as Democratic after the pending reapportionment. However, two other candidates in the runoff could upset the odds. Paul Ruiz, a member of La Raza Unida, which hopes to qualify as an official party, is running as an independent. He won four percent of the vote in the primary and in the runoff could attract some of Ochoa's supporters, who would otherwise be Alatorre votes. The Peace and Freedom Party candidate, John W. Blaine, who got less than two percent of the vote in the primary, probably will also attract a few votes from Alatorre.

Gasoline Sales Tax Exemption Repealed

On October 29th the Legislature sent to the Governor a bill to remove the sales tax exemption from gasoline. Senate Bill 325 is termed by its author, Senate President pro Tem James Mills, "the most important bill passed this year by the Legislature." SB 325 adds approximately two cents to the existing seven cent per gallon state gasoline tax, providing approximately $170 million annually in new funds for transportation purposes in California. In counties with more than 500,000 residents, the money provided under the bill will have to be used for public transportation. In smaller counties, the money may be used for any transportation purpose.

It is not known at this time whether the Governor will sign SB 325. The bill does constitute a tax increase, and the Governor's Department of Finance has consistently opposed it in committee. However, SB 325 has enlisted the support of local government, civic organizations and automobile clubs. Additionally, the highway interests have not actively opposed the bill, reputely because a sales tax on gasoline is preferable to a constitutional amendment which might break the solid link between gas tax money and highway construction.

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CALIFORNIA CALENDAR

Meetings of the following state boards and commissions are listed each month; if one of these boards is not listed, it can be assumed that it is not scheduled to meet this month. Boards and commissions to be included are: Board of Corrections; Trustees of the California State Colleges; California Community Colleges Board of Governors; Coordinating Council for Higher Education; Board of Education; Highway Commission; Little Hoover Commission; Commission on Housing and Community Development; Lands Commission; Park and Recreation Commission; University of California Board of Regents; and Social Welfare Board.

Nov. 8 — **Board of Corrections.** Deuel Vocational Institute, Tracy. 9:00 A.M.

Nov. 11 — **Little Hoover Commission.** State Capitol Bldg., Sacramento. 10:00 a.m.

Commission of Housing and Community Development. 1121 O Street, Sacramento. 1:30 p.m.

Nov. 11-12 — **State Board of Education.** Auditorium, State Resources Bldg., 1416 9th Street, Sacramento. 9:00 a.m.

Nov. 12 — **State Park and Recreation Commission.** Room 1194, 455 Golden Gate Ave., San Francisco. 9:00 a.m.

Nov. 17-18 — **California Highway Commission.** Public Works Bldg., 1120 N Street, Sacramento. 9:00 a.m.

Nov. 18 — **State Lands Commission.** State Capitol, Room 2117. 10:00 A.M.

Nov. 18-19 — **Board of Regents, University of California.** University Extension Center, 65 Laguna Street, San Francisco.

State Social Welfare Board. Holiday Inn, Santa Cruz. (Together with the Annual Meeting of the County Welfare Directors Association.) 11/18 — 7:30 p.m. 11/19 — 9:00 a.m.

Nov. 22-23 — **Board of Trustees, California State Colleges.** Office of the Chancellor, 5670 Wilshire Blvd., Los Angeles.

Dec. 7 — **Coordinating Council for Higher Education.** Host Hotel, Metropolitan Airport, Sacramento. 9:00 a.m.

Dec. 8-9 — **Board of Governors, California Community Colleges.** Vintage Room, Hilton Inn, San Francisco.

(Note: The Board of Corrections and the State Lands Commission will meet in November but have not yet set a specific date.)

The following boards and commissions follow a standard monthly schedule and thus are not included in the Calendar: Board of Agriculture, first Thursday of each month; Allocation Board, second Tuesday; San Francisco Bay Conservation and Development Commission, first and third Thursdays; Merit Award Board, second Wednesday; Public Works Board, last Monday; Reclamation Board, second and fourth Fridays; Soil Conservation Commission, fourth Tuesday; Transportation Board, first Thursday; California Water Commission, first Friday; and Water Resources Control Board, first and third Thursdays. Please contact the agency for meeting time and place.

PEOPLE IN THE NEWS

APPOINTED

Walter T. Coultas, 63, former superintendent of the Los Rios Community College District in Sacramento, as Chief Deputy Superintendent of Public Instruction, by Wilson Riles, State Superintendent of Public Instruction.

Justice Winslow Christian, of the California Court of Appeal and member of the Judicial Council of California, as the first Executive Director of the new National Center for State Courts in Washington, D.C., organized this year to propose reforms of state court systems.

Xavier A. Del Buno, 40, former assistant bureau chief for community services and migrant education, as Ascosiate Superintendent and Chief of the Division of Compensatory Education in the State Department of Education, by Superintendent of Public Instruction Wilson Riles.

Robert J. De Monte, 29, Oakland certified public accountant, as Chief Deputy Director of the Department of General Services, by Governor Reagan.

Dale H. Hutchison, 56, atmospheric physicist and assistant executive director of the Stanford Research Institute's Irvine Laboratories, as chief of research for the State Air Resources Board.

Reverend Donald P. Merrifield, S.J., 42, Catholic physicist and President of Loyola University of Los Angeles, to a two-year term on the 16-member Assembly Science and Technology Advisory Council by Assembly Speaker Bob Moretti.

Leland W. Myers, 41, formerly a chief higher education specialist with the Coordinating Council for Higher Education, as associate executive director of the California Junior College Association.

Kenneth Washington, 49, former head of the Educational Opportunity Program of the California State Colleges, as Assistant Superintendent and chief of the Department of Education's Los Angeles office, by Superintendent of Public Instruction Wilson Riles.

ELECTED

Dr. Leroy A. Pemberton, 42, an administrative officer and professor of education at San Diego State College, as president of the 115,000-member California State Employees' Association.

RETIRED

Dr. Hamlet C. Pulley, 69, assistant state public health director since 1960 and acting director of the State Department of Public Health in 1968.

DIED

Cornelius J. Haggerty, 77, former executive secretary of the California State Federation of Labor, AFL, for 23 years, and former president of the national 3 million-member Building and Construction Trades Council. Haggerty successfully campaigned against the 1958 "right-to-work" ballot initiative.

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Selected State Government Reports

CRIMINAL JUSTICE

Modernizing Court Administration: The Case of the Los Angeles Superior Court, Reprint Series No. 25. Institute of Governmental Affairs, University of California, Davis 95616. May, 1971. 11 p.

A Comparison of Characteristics of Youth Authority Wards, 1962-1971, Department of the Youth Authority, 714 P St., Sacramento 95814. Sept., 1971. 15 p.

Stop, Frisk, and Arrest, Search and Seizure, Confessions and Interrogations: Review and Current Developments, Institute of Governmental Affairs, University of California, Davis 95616. 1971. 73 p.

EDUCATION

Educational Opportunity Programs in California Public Higher Education, 1969-1970, Coordinating Council for Higher Education, 1020 12th St., Sacramento 95814. April, 1971. 86 p. Recommendations for improving EOP programs.

How to Get More Out of Your School Dollar, a summary report by the Governor's Education Task Force. July, 1971. $1.00. Write: Office of Procurement, Documents Section, P.O. Box 20191, Sacramento 95820.

The Ratio of Public School Administrators to Classroom Teachers in California, Dept. of Education, 721 Capitol Mall, Sacramento 95814. 1971. 12 p.

Preservice and Inservice Training Programs for Teachers and Administrators, Dept. of Education, 721 Capitol Mall, Sacramento 95814. June, 1971. 5 p.

Summary of the Assessments of a School District's Integration Programs, 1964-1971, Research Report No. 9. Sacramento City Unified School District, 1619 N St., Sacramento 95814. Sept., 1971. 21 p.

Racial and Ethnic Distribution in California Public Schools: A Report to the State Board of Education, Department of Education, Bureau of Intergroup Relations, 721 Capitol Mall, Sacramento 95814. 1971. 35 p.

The Chartering of Private Institutions of Higher Education in California, Coordinating Council for Higher Education, 1020 12th St., Sacramento 95814. Oct., 1971. An examination of the need for closer supervision of the operation of private schools and colleges.

HEALTH AND WELFARE

Management Study: Alameda County Welfare Department, California Taxpayers' Association, 11th & L Bldg., Suite 718, Sacramento 95814. Aug., 1971. 400 p. $10.00 (incl. tax). Discusses the failure of the WIN program to meet the needs of welfare recipients and the need to emphasize increasing the demand for labor instead of concentrating on the problems of the disadvantaged.

A Report to the Legislature on Hyaline Membrane Disease, Department of Public Health, 2151 Berkeley Way, Berkeley 94704. July, 1971. 23 p.

ENVIRONMENT

Environmental Decision-Making: The Search for Optimality, Stanford University, Conference on Mass Media Coverage of Environmental Problems, Stanford. March, 1971. Environmental Research Project Report No. 001.

California Solid Waste Management Study and Plan, U.S. Government study. 1971. 301 p. No. 5502-0004. $2.50. Write: Supt. of Documents, Government Printing Office, Washington, D.C. 20402.

California Coastline Preservation and Recreation Plan, Department of Parks and Recreation, 1416 9th St., Sacramento 95814. Oct., 1971. 147 p. $15.00 (plus tax). Summary available free of charge. Recommendations for acquiring, preserving, and developing specific areas of the coastline.

Visual Pollution in the Lake Tahoe Basin, University of California, Institute of Governmental Affairs, Davis 95616. 1971. 21 p. $2.00. Checks payable to Regents of the University of California.

An Environmental Conservation Element for the Los Angeles City General Plan, Dept. of City Planning, Los Angeles 90012. 1970. 503 p. A comprehensive review and analysis of the city's environmental problems.

Environmental Concern and Political Elites: A Study of Perceptions, Backgrounds, and Attitudes, Edmond Costantini and Kenneth Hanf, Research Report No. 21. Institute of Governmental Affairs, University of California, Davis 95616. 1971. 40 p.

A Framework for Identification and Control of Resource Degradation and Conflict in the Multiple Use of the Coastal Zone, Department of Landscape Architecture, University of California, Wurster Hall, Room 202, Berkeley 94720. 1971. 31 p. $3.96 (incl. tax). Checks payable to Regents of the University of California.

Report to the State Water Resources Control Board on the Impact of Water Development on Fish and Wildlife Resources in the Sacramento-San Joaquin Delta and Suisun Marsh, Dept. of Fish and Game, 1416 9th St., Sacramento 95814. May, 1971. 100 p.

MISCELLANEOUS

The California Handbook, 2nd edition, Center for California Public Affairs, 226 West Foothill Blvd., Claremont 91711. Sept., 1971. $10.50 (incl. tax). 375 p. Compendium of source material by subject on California state government, politics, environment, economy, education, business.

A Design for Action to Improve State and Local Programs for the Aging, Institute for Local Self Government, Hotel Claremont, Berkeley 94705. June 1971. 171 p. $3.00. A description and analysis of programs for the aging in California with recommendations for local participation and action.

State Offices Telephone Directory, October 1971, Documents Section, P.O. Box 20191, Sacramento 95820. $1.50 (incl. tax).

Unless otherwise indicated, reports may be obtained by writing the appropriate committee or agency, c/o State Capitol, Sacramento, California 95814. Orders payable by check or money order only.

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VOTING RECORDS

Listed below are the votes of Senators and Assemblymen on the major roll calls in the Legislature through this month and a brief summary of the issues under consideration. Votes selected for inclusion are on issues of major importance to Californians as a whole or issues on which there is a major division of opinion, or both.

Y—Yes

N—No

*—Absent or Not Voting

⅔ vote required for urgency measures, constitutional amendments, appropriation bills.

Assembly: 41 votes required for passage of bills requiring majority vote. ⅔ = 54 votes.

Senate: 21 votes required for passage of bills requiring majority vote. ⅔ = 27 votes.

SENATE

September 24th to 30th

SB 689 (Beilenson) — Requires Department of Public Health to establish maximum noise standards for construction equipment, office machinery, and household appliances. Requires manufacturers to have noise standard certification of their equipment. Passed 24-5.

SB 101 (Rodda) — Appropriates $39,160,000 for University of California and California State College faculty salary increases of 7½ percent. Passed 27-6.

AB 2722 (Waxman) — Permits minor to register to vote upon reaching age 17. Passed 21-8.

AB 846 (Burton) — Removes teacher's authority to suspend pupil from all classes for good cause and allows teacher to suspend student from his class only for a period of 1 to 2 days. Passed 21-8.

SB 432 (Petris) — Establishes safety requirements for handling economic poisons and provides for the inspection of all facilities by county health officers. Passed 21-10.

AB 1469 (McAlister) — Requires the posting of a facsimile ballot in Spanish at polling places. Passed 21-10.

RP 3 (Reorganization Plan No. 3 of 1971) — See description under Assembly. Motion to refer for further study *(i.e.,* to defeat plan) failed 0-25.

SB 107 (Behr) — Designates portions of the Klamath, Trinity, and Eel River basins and adjacent lands as wild and scenic rivers. Failed second time, 19-14.

October 1st to 7th

AB 2851 (Roberti) — Directs the Department of Public Health to prevent the pollution of domestic water by mercury. Failed 11-8. Reconsideration granted.

AB 2741 (Hayes) — Requires supporters of a petition to recall a public official to publish a statement as to the grounds for recall, and allows public official to answer justifying his conduct in office. Passed 24-6.

SB 40 (Harmer) — Authorizes secret ballot elections for farmworkers to select agricultural labor organization to represent them. Passed 22-15.

AB 1301 (McCarthy) — Prohibits a city or county from approving a subdivision map inconsistent with the general plan and prohibits the approval of a final subdivision map unless a specific plan covers the area included within the land project. Passed 23-3.

AB 2675 (Ralph) — Requires community college social science courses to include coverage of minority and ethnic groups. Passed 21-8.

SB 447 (Alquist) — Allows state funds appropriated for elementary textbooks to be used for additional basic and supplemental social science textbooks. Failed 18-13. Reconsideration granted.

October 8th to 14th

AB 1935 (Quimby) — Prohibits charter cities and counties from requiring civil service employees to live within the city. Failed 18-13. Reconsideration granted.

AB 2101 (Maddy) — Requires the recruitment of multi-lingual deputy registrars of voters in non-English speaking areas. Passed 21-13.

AB 543 (Barnes) — Requires state to contribute $135 million annually to State Teachers' Retirement Fund for a period of 30 years and requires teacher contributions of 8 percent of salary. Gives retired teachers a cost-of-living increase retroactive to 1965 of a maximum of 14 percent, and provides for an annual cost-of-living increase of 2 percent beginning in 1972. Passed 33-1.

SCA 2 (Rodda) — Amends state constitution to reflect the lowering of the voting age to 18. To be submitted to a vote of the people at 1972 election. Failed for second time, 18-16.

AB 1300 (McCarthy) — Specifies that Real Estate Commissioner

SENATE

Republicans — 19	SB 689	SB 101	AB 2722	AB 846	SB 432	AB 1469	RP 3	SB 107	AB 2851	AB 2741	SB 40	AB 1301	AB 2675	SB 447	AB 1935	AB 2101	AB 543	SCA 2	AB 1300	AB 1302	AB 1303	AB 1966	AB 528
Behr	Y	Y	Y	Y	Y	Y	N	Y	*	N	Y	Y	*	N	*	Y	Y	Y	Y	Y	Y	Y	Y
Bradley	N	N	N	Y	N	N	N	Y	N	N	Y	N	N	N	N	N	Y	N	*	*	*	N	N
Burgener	Y	Y	*	*	*	*	*	*	*	Y	Y	*	*	Y	N	Y	*	*	Y	Y	Y	*	N
Carpenter	*	N	N	N	N	N	*	*	*	Y	Y	*	N	N	Y	N	Y	N	*	*	*	N	N
Cologne	*	N	Y	N	N	N	N	*	*	Y	Y	N	N	Y	N	Y	N	N	N	N	N	N	N
Coombs	N	*	N	*	N	N	N	N	N	Y	Y	Y	N	*	Y	*	Y	N	*	*	N	N	N
Cusanovich	*	N	Y	Y	Y	N	N	*	N	Y	Y	Y	Y	Y	N	N	Y	N	Y	N	N	N	Y
Deukmejian	Y	Y	N	N	N	*	*	Y	*	*	Y	Y	*	N	N	N	Y	N	*	N	N	Y	N
Grunsky	Y	Y	*	*	Y	Y	N	Y	*	Y	Y	*	*	*	N	Y	Y	N	Y	Y	Y	Y	Y
Harmer	N	N	N	N	N	*	N	*	*	Y	Y	*	*	N	N	N	Y	N	N	N	N	N	N
Lagomarsino	*	Y	N	N	N	N	N	Y	N	*	Y	Y	N	N	N	*	Y	N	Y	Y	Y	*	N
Marks	Y	Y	Y	*	*	*	N	Y	*	N	N	Y	Y	Y	N	Y	Y	Y	Y	Y	*	Y	Y
Marler	Y	*	N	N	N	*	*	Y	*	*	Y	Y	N	*	N	N	Y	*	N	N	N	N	N
Nejedly	Y	Y	Y	Y	Y	*	N	Y	*	Y	Y	*	Y	*	N	*	*	*	Y	*	*	Y	Y
Richardson	*	*	*	N	N	N	Y	N	N	Y	*	N	N	N	N	N	N	N	N	N	N	N	N
Schrade	N	*	*	*	*	N	N	N	N	Y	Y	N	Y	N	N	N	Y	N	Y	N	N	N	N
Stevens	Y	Y	*	*	*	*	N	Y	Y	*	Y	Y	*	*	*	Y	N	Y	N	N	N	*	Y
Way	Y	Y	Y	Y	N	N	N	N	*	Y	Y	Y	Y	Y	Y	N	Y	N	Y	Y	Y	N	Y
Whetmore	Y	N	N	N	Y	N	N	N	*	Y	Y	Y	N	N	N	N	Y	N	Y	N	N	N	N

Democrats — 20	SB 689	SB 101	AB 2722	AB 846	SB 432	AB 1469	RP 3	SB 107	AB 2851	AB 2741	SB 40	AB 1301	AB 2675	SB 447	AB 1935	AB 2101	AB 543	SCA 2	AB 1300	AB 1302	AB 1303	AB 1966	AB 528
Alquist	Y	Y	Y	Y	Y	Y	Y	*	Y	*	Y	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Beilenson	Y	Y	Y	Y	Y	Y	*	*	Y	Y	Y	N	Y	Y	Y	*	Y	Y	Y	Y	Y	Y	Y
Carrell	Y	Y	*	*	*	*	*	*	*	*	*	*	Y	N	Y	Y	Y	Y	Y	*	*	N	Y
Collier	*	*	*	*	*	*	Y	N	N	N	Y	Y	*	Y	Y	Y	Y	Y	Y	*	Y	*	Y
Dills	N	Y	*	*	*	*	Y	N	N	N	Y	Y	N	Y	Y	Y	Y	Y	Y	*	N	N	Y
Dymally	Y	Y	Y	Y	Y	Y	*	*	*	*	N	Y	Y	Y	Y	Y	Y	*	*	Y	Y	Y	Y
Gregorio	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	*
Holmdahl	Y	Y	Y	Y	Y	Y	N	Y	Y	*	N	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y
Kennick	Y	Y	Y	Y	Y	Y	*	N	*	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Mills	*	Y	Y	Y	Y	Y	*	Y	Y	*	*	*	*	*	Y	Y	Y	Y	*	*	*	*	*
Moscone	Y	Y	Y	Y	Y	Y	*	Y	Y	Y	N	Y	Y	Y	*	Y	Y	Y	Y	Y	Y	Y	Y
Petris	Y	Y	Y	Y	Y	Y	N	Y	Y	N	N	*	Y	N	*	Y	Y	*	Y	Y	*	Y	*
Roberti	Y	Y	Y	Y	Y	Y	N	Y	Y	N	*	Y	N	*	Y	Y	Y	Y	Y	Y	Y	Y	Y
Rodda	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	N	Y	Y	N	*	Y	Y	Y	Y	Y	Y	Y	Y
Short	Y	Y	*	Y	Y	Y	N	*	Y	Y	Y	Y	*	*	Y	Y	Y	Y	Y	Y	Y	Y	Y
Song	Y	Y	Y	Y	Y	Y	*	*	*	Y	N	Y	Y	Y	Y	Y	Y	*	*	Y	Y	Y	*
Stiern	Y	Y	Y	Y	Y	Y	N	N	Y	N	*	*	*	*	Y	N	Y	Y	Y	*	*	*	Y
Teale	*	Y	Y	Y	Y	Y	Y	N	N	*	Y	N	*	Y	Y	Y	*	*	*	*	*	*	*
Walsh	*	Y	*	*	*	Y	*	N	*	*	N	Y	*	N	Y	Y	N	*	Y	Y	Y	N	*
Wedworth	*	*	*	*	*	Y	*	N	*	Y	N	*	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Zenovich	•	*	Y	Y	Y	Y	N	N	Y	•	•	•	*	*	Y	Y	Y	Y	Y	Y	Y	•	*

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shall not issue a public report on any land project unless he finds that improvements will be adequate to serve the projected population of the entire land project. Allows contracts to purchase or lease land parcels to be cancelled within 14 days. Passed 27-2.

AB 1302 (McCarthy) — Establishes the Office of Intergovernmental Management as a clearinghouse for the evaluation of the environmental impact of proposed subdivisions and land projects. Passed 21-9.

AB 1302 (McCarthy) — Requires Council on Intergovernmental Relations to adopt criteria and guidelines by Jan. 1, 1973, for the preparation and content of city and county general plans. Requires a city or county, beginning Oct. 1, 1973, to indicate the degree to which it has complied with criteria. Failed 16-11. Reconsideration granted.

October 15th to 20th

AB 1966 (Leroy F. Greene) — Authorizes additional permissive tax override of up to $.10 per $100 of assessed valuation for the repair or replacement of unsafe school buildings in order to meet earthquake standards. Failed 20-13. Reconsideration granted.

AB 528 (Arnett) — Prohibits an employer from knowingly employing an alien who is not entitled to lawful residence in the U.S. if such employment would have an adverse effect on lawful resident workers. Passed 22-11.

ASSEMBLY

September 24th to 30th

SB 1268 (Beilenson) — Requires funeral directors to provide customers with a printed list of prices and fees before entering into an agreement for funeral services. Requires caskets to be conspicuously marked with prices at time of sale. Passed 51-0.

October 1st to 7th

AB 1471 (Sieroty) — Creates the California Coastal Zone Conservation Commission and six regional commissions to regulate the use of the coastal zone area. Motion failed 12-35 to reconsider vote whereby bill was earlier passed.

AB 437 (Brown) — Would remove criminal peralties for private sexual conduct between consenting adults. Failed 25-41.

RP 3 (Governor's Reorganization Plan No. 3 of 1971) — Proposed consolidation of state environmental functions. Motion to refer for further study *(i.e.,* to defeat plan) passed 41-27.

AB 701 (Sieroty) — Authorizes Air Resources Board to establish standards and regulations for motor vehicle fuel additives. Passed 57-1.

SB 857 (Petris) — Prohibits landlord from cutting off utility service for the purpose of evicting a tenant. Passed 58-2.

SB 482 (Lagomarsino) — Makes a felony the advocating of willful and unlawful killing or injuring of a peace officer with the intent to incite the killing or injuring of a peace officer. Passed 52-1.

October 8th to 14th

AB 1375 (Wilson) — Provides for a comprehensive revision of regulations governing the approval of subdivisions. Passed 44-12.

SB 522 (Way) — Authorizes acreage limitations for the production of cling peaches used for canning. Passed 41-21.

AB 2682 (Crown) — Authorizes the establishment of local criminal justice planning districts and boards to coordinate local criminal justice activities. Passed 47-10.

October 15th to 21st

SB 222 (Collier) — Requires Department of Motor Vehicles to issue drivers' licenses with photographs in color and increases fees from $3.00 to $3.25 effective July 1, 1972. Passed 50-2.

SCA 44 (Nejedly) — Requires State Senate to approve Governor's appointments to the University of California Board of Regents. Failed 45-18 (54 votes required for passage). Reconsideration granted.

SB 728 (Rodda) — Requires Kern County to hold elections for the unification of school districts. Failed 20-28. Reconsideration granted.

SB 283 (Teale) — Establishes the California Hospital Commission to monitor the reporting of health care costs by hospitals. Passed 54-5.

SB 325 (Mills) — Repeals sales and use tax exemption for gasoline, other than gasoline used in aircraft, effective July 1, 1972. Changes state sales and use tax rate formula from 4 percent state and 1 percent county to 3¾ percent state and 1¼ percent county and allows counties to use revenues for public transportation purposes. Passed 44-16.

AB 1762 (Gonsalves) — Democratic tax measure. Vote on adoption of Senate-Assembly conference committee report. Failed 37-27.

ASSEMBLY	SB 1268	AB 1471	AB 437	RP 3	AB 701	SB 857	SB 482	AB 1375	SB 522	AB 2682	SB 222	SCA 44	SB 728	SB 283	SB 325	AB 1762
Democrats — 42																
Bee	Y	*	N	Y	Y	Y	Y	Y	N	Y	Y	Y	*	Y	Y	Y
Brathwaite	Y	*	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Brown	*	N	Y	Y	Y	Y	*	*	Y	Y	*	Y	Y	Y	Y	Y
Burton	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	*	Y	*	Y	*	Y
Chacon	Y	*	N	Y	Y	Y	Y	Y	Y	Y	*	Y	Y	Y	Y	Y
Cory	*	N	Y	Y	Y	Y	Y	*	Y	Y	N	Y	Y	Y	Y	Y
Crown	Y	*	Y	Y	*	*	Y	*	Y	Y	Y	Y	*	Y	Y	*
Cullen	Y	*	Y	Y	*	*	*	N	Y	Y	Y	Y	Y	Y	Y	Y
Davis	*	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	N	Y
Deddeh	Y	N	N	Y	Y	Y	Y	Y	Y	Y	*	Y	Y	Y	Y	Y
Dunlap	*	N	Y	Y	Y	Y	Y	Y	Y	Y	*	Y	*	*	*	Y
Fenton	Y	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y
Fong	Y	N	Y	Y	Y	Y	Y	Y	Y	*	*	Y	Y	Y	Y	Y
Foran	Y	N	*	Y	Y	Y	Y	*	Y	*	Y	Y	*	Y	Y	Y
Garcia	*	N	Y	Y	*	*	*	*	*	*	*	*	*	*	*	*
Gonsalves	*	*	N	Y	Y	Y	Y	*	*	*	Y	Y	*	*	*	Y
Greene, B.	*	*	Y	Y	*	Y	*	Y	*	*	Y	Y	*	*	Y	Y
Greene, L.	Y	N	Y	Y	Y	Y	*	Y	Y	Y	Y	Y	*	Y	Y	Y
Johnson, H.	Y	*	*	Y	Y	Y	Y	Y	*	Y	Y	Y	*	*	Y	Y
Karabian	*	N	Y	Y	Y	Y	*	Y	Y	Y	Y	Y	*	*	*	Y
Keysor	Y	N	N	Y	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Knox	Y	*	Y	Y	*	Y	*	*	Y	Y	Y	Y	Y	Y	Y	*
LaCoste	Y	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
MacDonald	Y	N	*	Y	Y	Y	Y	Y	Y	Y	*	Y	Y	N	Y	Y
McAlister	Y	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
McCarthy	*	*	*	Y	Y	*	Y	Y	Y	Y	*	Y	*	Y	Y	Y
Meade	Y	N	Y	Y	Y	Y	*	Y	*	Y	Y	Y	*	Y	Y	Y
Miller	*	*	Y	Y	Y	*	*	*	Y	Y	*	Y	*	Y	Y	Y
Moretti	Y	N	Y	Y	Y	Y	Y	*	Y	Y	Y	Y	*	Y	Y	Y
Pierson	Y	N	Y	Y	Y	Y	*	Y	*	Y	Y	Y	Y	N	Y	Y
Porter	Y	*	N	Y	*	*	*	Y	Y	Y	Y	Y	Y	Y	Y	Y
Powers	Y	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Quimby	Y	*	Y	Y	*	*	*	*	N	*	Y	*	*	*	*	*
Ralph	Y	N	Y	Y	Y	Y	*	Y	Y	Y	Y	*	*	Y	Y	Y
Ryan	Y	N	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Sieroty	*	N	Y	Y	Y	*	Y	*	*	Y	N	Y	Y	Y	Y	Y
Thomas	Y	N	N	Y	Y	Y	*	*	Y	Y	Y	*	Y	Y	Y	Y
Townsend	*	*	*	*	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	*	*
Vasconcellos	Y	N	Y	Y	Y	Y	*	Y	Y	Y	Y	Y	*	*	*	*
Warren	*	N	Y	Y	Y	*	Y	Y	Y	*	*	Y	Y	Y	Y	Y
Waxman	Y	*	Y	Y	Y	Y	N	Y	Y	Y	*	Y	*	*	*	Y
Z'berg	*	N	Y	Y	*	*	*	Y	Y	Y	Y	Y	Y	*	Y	Y
Republicans — 37																
Arnett	*	*	N	N	Y	Y	Y	Y	N	Y	*	Y	N	Y	Y	N
Badham	*	Y	N	*	*	*	*	*	N	*	*	*	*	*	*	*
Bagley	Y	N	Y	*	Y	Y	Y	Y	Y	Y	Y	N	*	*	Y	N
Barnes	Y	Y	N	N	*	Y	Y	Y	Y	*	*	*	*	*	*	*
Belotti	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Beverly	*	N	Y	N	Y	Y	Y	*	N	N	Y	Y	*	Y	Y	N
Biddle	*	N	N	N	*	*	*	*	*	*	*	N	*	*	*	*
Briggs	*	*	N	N	Y	Y	Y	N	N	*	*	*	*	*	*	*
Burke	Y	Y	N	N	N	N	Y	N	N	N	*	N	N	Y	N	N
Campbell	Y	*	N	N	Y	*	Y	N	N	*	*	*	N	Y	*	*
Chappie	Y	*	N	N	Y	Y	Y	N	*	*	Y	N	N	N	N	N
Cline	Y	N	N	N	Y	Y	Y	N	N	*	Y	N	N	Y	Y	N
Collier	Y	*	N	N	Y	*	Y	*	N	*	Y	N	N	Y	N	N
Conrad	Y	*	*	*	*	*	*	Y	N	N	Y	N	N	Y	N	N
Dent	*	*	N	N	*	Y	Y	Y	Y	Y	*	N	N	Y	N	N
Duffy	Y	*	N	*	*	Y	*	Y	*	*	Y	Y	N	Y	N	N
Hayden	Y	N	N	*	Y	Y	Y	Y	N	Y	Y	*	N	Y	Y	N
Hayes	Y	N	N	N	Y	Y	Y	N	N	N	Y	N	N	N	Y	*
Johnson, R.	Y	*	N	N	Y	Y	*	*	Y	Y	Y	N	*	*	*	N
Ketchum	Y	Y	N	N	Y	Y	Y	N	N	*	Y	Y	N	N	N	N
Lanterman	*	Y	N	N	Y	Y	Y	*	N	*	Y	N	N	Y	Y	N
Lewis	*	*	N	N	Y	Y	*	N	*	N	Y	N	N	Y	Y	N
MacGillivray	Y	Y	N	N	Y	Y	Y	Y	*	Y	Y	N	N	Y	N	N
Maddy	Y	*	*	*	Y	Y	Y	Y	N	Y	*	Y	N	Y	Y	N
Mobley	*	Y	N	N	*	*	*	*	Y	*	*	*	N	N	N	N
Monagan	*	Y	N	N	Y	Y	Y	Y	Y	N	*	N	*	Y	Y	*
Moorhead	Y	*	N	N	Y	Y	Y	*	N	N	Y	N	N	Y	N	N
Murphy	Y	N	N	N	Y	Y	Y	Y	Y	Y	Y	N	N	Y	Y	N
Priolo	Y	N	N	N	Y	Y	Y	N	*	N	Y	N	N	Y	Y	N
Russell	Y	N	N	N	Y	Y	Y	*	Y	*	Y	N	N	Y	N	N
Schabarum	Y	*	N	N	*	*	*	*	N	Y	*	*	*	*	*	*
Seeley	Y	Y	N	N	Y	Y	Y	Y	N	Y	Y	*	*	*	*	*
Stacey	*	Y	*	*	*	*	*	N	N	Y	Y	Y	N	Y	N	N
Stull	Y	Y	N	N	Y	N	Y	Y	*	N	Y	*	N	Y	N	N
Wakefield	*	*	*	*	*	Y	Y	N	N	N	*	*	N	N	N	N
Wilson	*	*	*	*	*	Y	Y	Y	*	*	*	*	*	*	*	N
Wood	Y	*	N	N	Y	Y	Y	Y	Y	*	Y	Y	Y	N	Y	Y	N

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There is nothing wrong with the California Legislature that cannot be remedied at the polls. If the voters will devote the same diligence and care in electing legislators that they expect legislators to devote to enacting legislation, they will preserve a free and independent Legislature.

– Joseph Allan Beek

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